

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Bail Appl.No. 38 of 2015

CRIME NO. 1182/2014 OF MANJERI POLICE STATION, MALAPPURAM

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PETITIONER(S)/ACCUSED:

1. AHAMMED ABDUL SAMAD KURIKKAL, AGED 40 YEARS,
S/O.AHAMMED KURIKKAL, MANCHERI HOUSE, MANJAPPATTA,
ELANKUR-PO, MANJERI-VIA, MALAPPURAM DISTRICT.
2. ABDUL MAJEED, AGED 37 YEARS,
S/O ISMAYIL HAJI, VADAKKATHODI HOUSE, PULIYAKODE P.O.,
KADUNGALLUR, KONDOTTY TALUK, MALAPPURAM DISTRICT.
3. RONEY KURIAN, AGED 46 YEARS,
S/O.P.J.KURIAN, VADAKKEKUTTINIVEETIL HOUSE,
KUZHIMANNA-P.O., ERNAD TALUK, MALAPPURAM DISTRICT.

**BY ADVS.SRI.P.VENUGOPAL
SMT.T.J.MARIA GORETTI**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

B.A. No.38 of 2015

Dated this the 27th day of February, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

This petition has been filed by the accused in crime No.1182/2014 of Manjeri Police Station and two others. When the case was taken up it was submitted that the names of petitioners other than the first petitioner have already been deleted from the array of the accused by the Investigating Officer in the light of the facts disclosed in the investigation.

2. The allegation is that the first petitioner misappropriated Rs.2,50,00,000/- and cheated the defacto complainant. The learned counsel for the petitioner submits that there was an agreement between the parties in respect of an immovable property and the dispute arose out of it and the defacto complainant has already filed a civil suit, O.S.No.5/2015, before the Sub Court, Manjeri. According to

him, the allegations are false and the petitioner has not committed any offence.

3. Heard.

4. Admittedly, the dispute arose with regard to the sale of an immovable property. The de facto complainant has already filed a suit for realisation of the amount from the first petitioner. It appears that custodial interrogation of the petitioner is not necessary for effective investigation. So I am inclined to grant the prayer of the petitioner.

In the result, this application is allowed.

- 1) The first petitioner shall be released on bail after interrogation on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.
- 2) He shall appear before the Investigating Officer between 10.30 a.m and 11.30 a.m on every 1st and 3rd Saturdays for 3 months or till the final report is filed, whichever is earlier.

- 3) He shall not destroy evidence.
- 4) He shall surrender his passport before the learned Magistrate concerned within seven days. If he does not have one he shall file an affidavit to that effect within the said period.

This order is not applicable if the petitioner chooses to surrender before the Magistrate concerned and in such case the learned Magistrate may take appropriate action in accordance with the law.

sd/-
K. ABRAHAM MATHEW
JUDGE

shg/