

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Bail Appl..No. 172 of 2015 ()

**CRIME NO. 1245/2014 OF VIYYUR POLICE STATION,
TRISSUR DISTRICT**

PETITIONER/ACCUSED :

**ANTONY K. THOMAS, AGED 59 YEARS,
S/O. THOMAS, KAVALAMAKKAL HOUSE, PERINGALA DESOM,
PALLIKKARA VILLAGE, PUTHENCROUZ TALUK,
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.BABU KUMAR

RESPONDENT :

**SUB INSPECTOR OF POLICE
VIYYUR POLICE STATION, VIYYUR P.O.
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.172 of 2015

Dated this the 15th day of July 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is accused of having committed the offences under Secs.379, 406 and 420 of the Indian Penal Code. He is a building contractor. He entered into a contract with the first informant to construct a house for him and received about Rs.30 lakhs; but he did not complete the construction. This is the allegation against him.

3. Heard both sides.

4. This is essentially a civil dispute. It is yet to be ascertained whether the ingredients of the offences alleged against him are satisfied. His detention is not necessary for effective investigation. So I am inclined to grant him anticipatory bail.

In the result, the bail application is allowed.

1) The 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 for interrogation if he is so required by him in writing.

3. The petitioner shall surrender his passport before the lower court concerned or if he does not have the same, file an affidavit to that effect.

4. The petitioner shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5. The petitioner shall not destroy or tamper with evidence.

6. The petitioner shall not intimidate or attempt to influence the witnesses.

7. The petitioner shall not get himself

involved in any other criminal case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

If the petitioner surrenders before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

NS

P.A. To Judge