

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Bail Appl..No. 504 of 2015 ()

CRIME NO. 426/2014 OF AROOR POLICE STATION, ALAPPUZHA DISTRICT.

.....

PETITIONER/1ST ACCUSED:

**MR.MUHAMMED ASIF, S/O.ABOOBACKER,
AGED 30 YEARS, ERAVATH HOUSE,
PALAYAD NADA P.O., VADAKKARA,
CALICUT-673 521.**

**BY ADVS.SRI.B.S.SURESH KUMAR,
SRI.R.ARUN (PALLURUTHY).**

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. STATION HOUSE OFFICER,
AROOR POLICE STATION, ALAPPUZHA.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.504 2015
.....

Dated this the 11th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 1<sup>st</sup> accused in Crime No.426/2014 of Aroor Police Station registered for the offences punishable under Sections 406 and 420 IPC.

3. The allegation against the petitioner is that he placed the orders with the *defacto complainant* for the supply of seafood worth ₹35,12,100/-. The seafood was delivered on the representation that the whole amount would be paid. At the same time, an amount of ₹8 lakhs only was given and the rest of the amount was not paid.

4. It seems that earlier, A2 and A3 in the crime had approached this Court through B.A.No.4369/2014 and the same was disposed of on 03.07.2014 directing them to surrender before the investigating officer and to co-operate

with the investigation.

5. Heard learned counsel for the petitioner and learned Public Prosecutor.

6. Considering the facts and circumstances of the case, I am inclined to think that this is a case wherein custodial interrogation of the petitioner is required for the continued investigation of this case. A similar order as the one passed earlier in the case of A2 and A3 can be passed on this application also.

7. In the result, this bail application is disposed of as follows:-

*(i) The petitioner shall surrender before the officer investigating Crime No.426/2014 of Aroor Police Station on 20.02.2015 at 10.00 a.m. for interrogation.*

*(ii) In case interrogation of the petitioner is not completed on that day, it is open to the investigating officer to direct presence of the petitioner on any other day/days and time which he shall comply.*

*(iii) The petitioner shall co-operate with the investigation of the case.*

(iv) *In case the petitioner is arrested, he shall be produced before the jurisdictional Magistrate on the same day.*

(v) *On such production, it is open to the petitioner to request for regular bail with intimation given to the Assistant Public Prosecutor concerned at least two working days in advance.*

(vi) *If custody of the petitioner is required for any purpose, the investigating officer can move application before the learned Magistrate.*

(vii) *The learned Magistrate shall consider the application having regard to all relevant circumstances including whether detention of the petitioner is required for any purpose and pass appropriate orders as early as possible.*

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/11/02

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*PA to Judge*