

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Bail Appl..No.665 of 2015

(CRIME NO.37/2015 OF POTHANIKADU POLICE STATION,ERNAKULAM)

PETITIONER/ACCUSED:

**JABBAR,S/O.EBRAHIM,AGED 42 YEARS,
THANDAKKALAYIL HOUSE,PALLARIMANGALAM P.O,
POTHANIKKAD VILLAGE,KOTHAMANGALAM TALUK,
PIN-686671**

BY ADV.SRI.P.A.AUGUSTINE (AREEKATTEL)

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
(SUB INSPECTOR OF POLICE)
POTHANIKKAD POLICE STATION,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B. KEMAL PASHA, J.

.....
B.A. No.665 2015
.....

Dated this the 20th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.37/2015 of Pothanikkad Police Station registered for the offence punishable under Section 420 IPC.

3. The allegation against the petitioner is that he, who is a member of the Kozhippilly Service Co-operative Bank Limited, Pidavoor Branch, pledged spurious gold at the Bank and obtained a total amount of ₹4,75,000/- as gold loan. Subsequently, it was revealed that the ornaments pledged by him were not made of gold.

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

5. The learned counsel for the petitioner has pointed

out that the entire amount has been paid by the petitioner to the Bank and, the Bank has not sustained any loss at all in the transaction. Considering the fact that the entire amount has been paid and the further fact that no criminal antecedents have been reported against the petitioner, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner on conditions.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

*(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 27.02.2015 for a period of three months or till the filing of the final report in this case, whichever is*

*earlier.*

*(ii) The petitioner shall not tamper with the evidence or influence witnesses.*

*(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.*

*(iv) The petitioner shall not involve in any offence while on bail.*

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

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

aks/20/02

*// True Copy //*

*PA to Judge*