

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Bail Appl..No. 710 of 2015 ()

**CRIME NO. 1266/2014 OF MULAMTHURUTHY POLICE STATION, ERNAKULAM
*(IS CORRECTED AS CRIME NO.1266/2014 OF PIRAVOM POLICE STATION,
ERNAKULAM DISTRICT AS PER ORDER IN CRL.M.A.NO.1103/2015 DATED 07/04/2015)**

PETITIONER(S)/1ST ACCUSED

**KUNJAN,
THEENDAPPARAYIL HOUSE, EDAKKATTUVAYAL,
CHETHICODE P.O., ERNAKULAM.**

BY ADV. SRI.P.P.JACOB

RESPONDENT(S):

**1. RADHA.M.S,
D/O.SIVAN ACHARY, KEERTHI BHAVAN, UDAYAMPEROOR,
MANAKUNNAM P.O., ERNAKULAM.**

***2. THE STATION HOUSE OFFICER,
MULAMTHURUTHY POLICE STATION, MULAMTHURUTY,
ERNAKULAM, PIN-682 314. (CORRECTED)**

***CORRECTED AS**

**STATION HOUSE OFFICER,
PIRAVOM POLICE STATION, PIRAVOM.**

***THE NAME OF THE 2ND RESPONDENT IS CORRECTED AS PER ORDER IN
CRL.M.A.NO.1103/2015 DATED 07/04/2015**

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

R2 & R3 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No. 710 of 2015

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Dated this the 7th day of April, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1266/2014 of the Piravom Police Station, registered for the offences punishable under Sections 120(b) and 420 read with Section 34 IPC.

3. The allegation against the petitioner is that he along with the de facto complainant had entered into an agreement for sale of a piece of land belongs to the petitioner and thereafter, it was found that the petitioner had no right or power to transfer the property. It is alleged that an amount of ₹4,50,000/- was obtained as part of consideration by the petitioner from the de facto complainant.

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

5. It seems that the petitioner has got a 'patta' with regard to

the property and he had rightly offered the property for sale to the de facto complainant. It is true that he has accepted an amount of ₹4,50,000/- as part of consideration. Considering the facts and circumstances of the case, I am of the view that the matter involved is more or less civil in nature and most probably it can be an instance of breach of contract. The parties can have recourse to civil remedies in the matter. Considering the said aspect, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

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 Tuesdays and Fridays, commencing from 14.4.2015 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

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P.A to Judge