

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Bail Appl..No. 867 of 2015 ()

CRIME NO. 49/2015 OF KONDOTTY POLICE STATION, MALAPPURAM DISTRICT

APPLICANT/ACCUSED:

**A.P.HANEEFA
S/O. MUHAMMED, AMBALAPARAMBAN PALEMBADIYAN HOUSE
VALLIKKAPATTA DESOM, MANKADA PALLIPURAM AMSOM
PERINTALMANNA TALUK, MALAPPURAM DISTRICT.**

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

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED 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 02-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No. 867 of 2015

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Dated this the 2nd day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.49/2015 of the Kondotty Police Station, registered for the offences punishable under Sections 406 and 427 IPC.

3. The allegation against the petitioner is that the stage carriage belonging to the father of the de facto complainant was purchased by the petitioner and as the petitioner had defaulted the payment of its tax, the de facto complainant purchased it back from the petitioner and thereafter, the vehicle was kept idle at the property of the petitioner. It is alleged that the petitioner, without the knowledge and consent of the de facto complainant, dismantled the vehicle and sold its parts.

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

5. According to the learned counsel for the petitioner, at the time of re-purchase of the vehicle by the de facto complainant from the petitioner, an agreement was entered into whereby an amount of ₹1,00,000/- was paid as part of consideration and the remaining amount of ₹3,70,000/- was agreed to be paid on or before 10.06.2013, and that the de facto complainant has not cared to pay the balance amount; whereas, he surrendered the vehicle to the petitioner without discharging the other liabilities. On going through the matter, it seems that the dispute is more or less civil in nature. 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 Mondays and Thursdays, commencing from 09.03.2015 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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//True copy//

P.A to Judge

