IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Bail Appl..No.1106 of 2015

(CRIME NO.95/2015 OF TOWN WEST POLICE STATION,TRISSUR).

APPLICANT/ACCUSED NO.2:

SONY MON,AGED 35 YEARS,S/O.K.A.VARGHESE,
KUNNEL HOUSE,KATTILPUVAM P.O.
PULLAM KANDANY,THRISSUR TALUK,
THRISSUR DISTRICT.

BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE.)
ADVS.SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN

RESPONDENT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

pk

B.KEMAL PASHA, J.

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B.A.No.1106 of 2015

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Dated this the 5th day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.95/2015 of the West Police station, Thrissur registered for the offences punishable under Sections 417, 420, 408 and 120(b) of the I.P.C.

3. The allegation against the petitioner and the other accused is that they had conspired to cheat and defraud the de-facto complainant and pursuant to that conspiracy, A1 has borrowed an amount of ₹26,25,000/- from the de-facto complainant by agreeing that it would be repaid. Thereafter, the

petitioner, along with A1 misappropriated the said amount and has not cared to repay the amount to the de-facto complainant.

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

5. The learned senior counsel for the petitioner has pointed out the following facts:- The petitioner is working as the Marketing Manager of M/s.Godrej Company. He had a partnership business with the A1, in dealing with computers. A1 made a false representation that, he had obtained a large order for the supply of computers and he requested the petitioner to invest an amount of ₹33,00,000/- immediately. The petitioner borrowed huge amounts from many persons and raised an amount of ₹33,00,000/- and, handed over it to A1. After obtaining the amount, A1 departed and he was missing, thereafter. As the persons from whom, the petitioner raised the amount by borrowing, started demanding the amounts and intimidating the petitioner. The petitioner ran from

pillar to post to trace out A1. Finally, by God's Grace, A1 appeared. In fact, he was caught by the petitioner and his friends and they demanded the amount. It was made known by A1 to the petitioner that he had invested the amount in real estate business and had handed over the same to the *de facto* complainant herein, who is a person involved in real estate business with him. They contacted the *de facto* complainant. Finally the *de facto* complainant agreed to repay an amount of ₹26,25,000/-, which he had allegedly received from A1 and the amount was repaid through bank. Thereafter, the present complaint has been filed after 10 days by falsely raising a case that the petitioner had conspired with A1 and they together defrauded and cheated the de-facto complainant by borrowing the amount from him and has not repaid it.

6. The aforesaid facts are self speaking. Even otherwise, the matter reveals only a civil dispute, even if the case of the de-facto

complainant is admitted. Matters being so, this is a fit case wherein anticipatory bail can be granted to the petitioner.

7. 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 Thursdays and Mondays commencing from 12.3.2015 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