IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Bail Appl..No. 1110 of 2015

CRIME NO. 127/2015 OF OLLUR POLICE STATION , THRISSUR DISTRICT

APPLICANT/ACCUSED NO.1 :

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

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

RESPONDENT(S) :

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

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Msd.

B.KEMAL PASHA, J.

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B.A.No.1110 of 2015 C

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Dated this the 9th day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the first accused in Crime No.127/2015 of Ollur police station registered for the offences punishable under Sections 143, 342, 363 and 386 read with Section 149 of the I.P. C.

3. The allegation against the petitioner and the other accused is that on 9.1.2015, the petitioner along with the other accused, abducted the *de facto complainant*, by a vehicle and he was forced to telephone one Sunilkumar to transfer an amount of ₹26,25,000/- to the accounts of the petitioner. Complying with the direction, it is alleged that said Sunilkumar transferred the amount to the accounts of the petitioner. It is further alleged that the *de-facto complainant* was forced to affix his signature in 5

blank stamp papers and also they made him to withdraw an amount of ₹3,000/- by using his ATM card and snatched away that amount also.

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 one Linto, who was dealing with computers. The said Linto 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 Linto. After obtaining the amount, Linto 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 Linto. Finally, by God's Grace, Linto appeared. In fact, he was caught by the petitioner and his friends and they demanded the amount. It was made known by Linto to the petitioner that he had invested the amount in real estate business and had handed over the same to the one Sunil Kumar, who is a person involved in real estate business with him. They contacted the said Sunil Kumar. Finally Sunil Kumar agreed to repay an amount of ₹26,25,000/-, which he had received from Linto and the amount was repaid through bank. Thereafter, the said complaint was filed by Sunilkumar after 10 days by falsely raising a complaint that the petitioner has conspired with Linto and together defrauded and cheated the said Sunilkumar by borrowing the amount from him and by not repaying the amount.

6. The present complaint is filed on the same day on which

the other crime was registered, and the present crime also has been registered. The facts are self speaking. The contents of the CD, *prima facie*, reveal that the petitioner was cheated and defrauded by Linto and very huge amount was taken away from him. Finally when they caught hold of Linto, who was an instrumental in getting back the amount from the said Sunilkumar and to transfer the said amount to the accounts of the petitioner. Considering the facts and circumstances of the case, I am of the view that 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 Tuesdays and Fridays, commencing from 17.3.2015 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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PA to Judge