

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

Bail Appl..No. 1421 of 2015

CRIME NO. 1099/2013 OF MUNDAKAYAM POLICE STATION, KOTTAYAM DISTRICT.
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PETITIONER/FIRST ACCUSED:

**SABU RAJ, S/O.VIJAYA RAJAN,
AGED 43 YEARS, SHALOM HOUSE,
OFFICE WARD, KALLIYUR VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.K.T.SHYAMKUMAR
SRI.HARISH R. MENON**

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
MUNDAKAYAM POLICE STATION,
KOTTAYAM DISTRICT - 6.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.1421 of 2015

Dated this the 12th day of May, 2015

ORDER

The petitioner is the accused in Crime No.1099 of 2013 of Mundakkayam Police Station, registered for the offences under Sections 406 and 420 IPC.

2. The allegation is that though the petitioner received from the victim an amount of Rs.42,000/- (Rupees Forty two thousand only) for supplying construction materials, he did not deliver the goods and thus he cheated the victim.

3. The learned counsel submits that it is essentially a civil dispute and no criminal offence is made out.

4. Heard.

5. The learned Public Prosecutor submits that the Investigating Officer has issued notice to the petitioner under Section 41A Cr.P.C. It appears that the dispute is essentially a civil one. So I am inclined to grant the prayer of the petitioner.

6. In the result, this application is allowed.

i) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties for the like sum if he is arrested by the Police in connection with this case.

ii) He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.

iii) He shall not destroy or tamper with evidence.

iv. In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

**K. ABRAHAM MATHEW,
JUDGE**

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P.A. to Judge