

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Bail Appl..No. 1539 of 2015

CRIME NO. 154/2015 OF KUMARAKOM POLICE STATION , KOTTAYAM

PETITIONER(S)/1ST ACCUSED :

**S.SIVA,
S/O. K.P.SHANMUGAM, 293/6, MH ROAD
FAIRLANDS, SALAM-16, DIRECTOR
HOSANNA TOURS AND TRAVELS PVT.LTD., 207/3
UNITED ARCADE, KAVERY AVENUE, STATE BANK COLONY
NEAR AVR CIRCLE, SALEM-636 004, TAMILNADU.**

BY ADV. SRI.JACOB E SIMON

RESPONDENT(S)/COMPLAINANT/STATE :

**THE STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
KUMARAKOM POLICE STATION, KOTTAYAM DISTRICT
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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B.A.No.1539 of 2015

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Dated this the 26th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the 1st accused in Crime No.154 of 2015 of the Kumarakom Police Station, registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. The allegation against the petitioner is that he had booked some rooms of the resort being run by the defacto complainant at Kumarakom, for Doctors' Meet, for accommodating 64 Doctors, for the period from 23.01.2015 to 25.01.2015. Advance amount was also paid. For the balance amount to be paid, it seems that he had issued two cheques. One of the cheques, on presentation, returned dishonoured,

for which a notice has been issued alleging an offence under Section 138 of the Negotiable Instruments Act, thereby demanding the cheque amount from him. One of the cheques is for ₹2,00,000/- and the other one is for ₹4,63,790/-.

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

5. On going through the facts and circumstances of the case, I do not think that presently, there are materials to invite the offences under Sections 406 and 420 of the Indian Penal Code in the matter. 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.

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 for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) Petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Thursdays and Mondays commencing from 02.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioner shall not tamper with the evidence or influence witnesses.

(iii) Petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) 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

DSV/26/3/15

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P.A. To Judge

