

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Bail Appl..No. 1703 of 2015

**CRIME NO. 246/2015 OF NEDUMANGAD POLICE STATION
THIRUVANANTHAPURAM**

PETITIONER/ACCUSED NO.1:

**MOHANAN, AGED 48 YEARS,
S/O.CHARLES, RESIDING AT SAIJU BHAVAN, MAILAMOODU,
ARUVIKKARA.P.O, THIRUVANANTHAPURAM.**

BY ADV. SRI.M.DINESH

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.MADHUBEN.M.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K.P. JYOTHINDRANATH, J.

B.A. No. 1703 of 2015

Dated this the 21st day of July, 2015

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure.

2. When the petition came up for hearing, the learned counsel for the petitioner submitted before me that the petitioner is apprehending arrest and detention in connection with Crime No. 246/2015 of Nedumangadu Police Station where the offences alleged are under Sections 406 and 420 read with Section 34 of the Indian Penal Code. It is the submission that the petitioner is the first accused in the above crime. The allegation is that the petitioner along with the de facto complainant and another took some contract and there was a partnership deed and it is the submission that now some dispute arose and by making use of the ingenuity of some legal brain, a crime is got registered at the above referred police station. It is the further submission that it is only a dispute regarding money sharing and no offence as alleged was committed.

3. I heard the learned Public Prosecutor.

4. The Public Prosecutor submitted before me that a false representation made by the accused herein and believing the same to be true huge amounts are parted by the de facto complainant. Now, no profit or money given back to the de facto complainant and thereby committed the offence. It is also the submission that at the time of the representation itself, there was fraudulent intention to cheat the de facto complainant.

5. After hearing the Public Prosecutor and also considering the facts of the case, I feel that this is a case where anticipatory bail can be granted on the following orders:

(i) The petitioner shall appear before the Investigating Officer within ten days of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioner. If the interrogation is not over, the Investigating Officer is at liberty to continue the interrogation on the next day or on any other day. On completion of the interrogation, the Investigating Officer is at liberty to arrest the petitioner. After arrest, the petitioner shall be released on bail on executing a bond for

Rs.50,00-0/- (Rupees Fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the Investigating Officer.

(ii) The petitioner shall appear before the Investigating Officer on all Saturdays in between 10 a.m. and 12 noon for a period of three months and thereafter on all alternate Saturdays in between 10 a.m. and 12 noon for another two months. This condition will be in force only till the charge sheet is filed.

(iii) The petitioner shall not commit any offence during the bail period.

(iv) The petitioner shall co-operate with the investigation.

(v) The petitioner shall not influence or intimidate the witnesses.

(vi) The petitioner shall not tamper or destroy the evidence.

(vii) If an application under Section 311A of Code of Criminal Procedure is filed by the Prosecutor, the petitioner shall co-operate with the same.

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With the above conditions, this anticipatory bail application is allowed.

Sd/-

K.P.JYOTHINDRANATH
JUDGE

rka

/true copy/

P.S to Judge

B.A. No. 1703 of 2015