

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. 1723 of 2015)

CRIME NO. 246/2015 OF KOTTIYAM POLICE STATION, KOLLAM.
.....

PETITIONER/ACCUSED:

**SUBRAMANIAM,
S/O.T.VELAYUDHAN ACHARY,
AGED 55 YEARS, VINI BHAVAN, T/C.39/1453(1),
ARYA NAGAR, HOUSE NO.8, ARYASALA,
MANACCAUD P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.SABU S.KALLARAMOOLA

RESPONDENT/COMPLAINANT:

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

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. 1723 of 2015

Dated this the 12th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offence under Section 420 of the Indian Penal Code. The allegation is that he entered into a contract with the victim to supply a generator and he failed to do so though he had received a certain amount in advance towards sale consideration. Learned counsel submits that this is essentially a civil dispute and no offence is made out.

3. Heard.

4. Having regard to the nature of the allegations, I am satisfied that the dispute is essentially of a civil nature. Whether the elements of Section 420 IPC are attracted is to be decided after investigation.

In the result, this application is allowed.

- 1) 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 each for the like sum if he is arrested by the Police in connection with this case.
- 2) He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.
- 3) He shall not destroy or tamper with evidence.

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**

DMR/-