

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Bail Appl..No.1736 of 2015

CRIME NO.859/2014 OF PALAKKAD TOWN SOUTH POLICE STATION,PALAKKAD.

..

PETITIONER/3RD ACCUSED:

**K.J.JAMES,S/O.J0SEPH,AGED 60 YEARS,
KANJIRATHUMOODU HOUSE,PUZHAVATHU.P.O,
CHANGANASSERY.**

**BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.K.R.MONISHA**

RESPONDENT:

**STATE OF KERALA,REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,
REPRESENTING THE STATION HOUSE OFFICER,
TOWN SOUTH POLICE STATION,PALAKKAD-678001.**

BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

.....
B.A. No.1736 OF 2015
.....

Dated this the 6th day of April, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 3rd accused in Crime No.859/2014 of the Palakkad Town South Police Station registered for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that, under the name and style of 'Apple Tree Chits India Pvt. Ltd.', he has defrauded and cheated several members of the public and defrauded and cheated the defacto complainant in this case for an amount of Rs.42,000/-. He has not so far cared to return the said amount. The petitioner has been in custody for the period from 05.03.2015 onwards.

4. Heard learned counsel for the petitioner and the learned Senior Public Prosecutor. Perused the CD.

5. It seems that the petitioner is also involved in other cases of similar nature and he has been in judicial custody for the period from 23.02.2015 onwards. While so, he has been formally arrested in this case on 05.03.2015. Having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am of the view that the petitioner can be enlarged on bail, by making a provision for compensating the loss sustained to the defacto complainant.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall deposit an amount of ₹15,000/- (Rupees fifteen thousand only) before the court below within a period of 15 days from today and the said amount shall

be kept in deposit till the disposal of the case, for compensating the loss, if any, sustained to the defacto complainant.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays commencing from 13.04.2015 for a period of six months.

(iii) The petitioner shall not tamper with the evidence or influence witnesses.

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(v) 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

ul/-

[True copy]

P.S. to Judge