

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Bail Appl..No. 1802 of 2015 ()

CRIME NO. 100/2015 OF VATAKARA POLICE STATION, KOZHIKODE DISTRICT.

.....

PETITIONER/ACCUSED NO.1:

**ARUN KRISHNAN, AGED 34 YEARS,
S/O.ANANDAKRISHNAN, ARUN NIVAS,
MAVELIKKARA P.O, ALAPPUZHA.**

BY ADV. SRI.UNNIKRISHNAN.V.ALAPATT.

RESPONDENT/STATE:

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

BY SR. PUBLIC PROSECUTOR SRI.C. RASHEED.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.1802 of 2015
.....

Dated this the 31st day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.100/2015 of Vatakara Police Station registered for the offences punishable under Sections 420 and 406 read with Section 34 IPC.

3. The allegation against the petitioner and the other accused is that by offering an admission to the Gynecology PG Diploma course to the daughter of the de facto complainant, they induced the de facto complainant to part with an amount of ₹42,75,000/- to them and thereafter, they have failed to procure the admission as offered or to return the amount. The petitioner has been in custody for the period from 22.02.2015 onwards.

4. Heard learned counsel for the petitioner and the

learned Senior Public Prosecutor.

5. The learned counsel for the petitioner has argued that the only act committed by the petitioner in this case is that he had introduced A2 to the de facto complainant and nothing more and that it was A2, who has exercised fraud and cheating in the matter. When the fraudulent acts have come to light, it seems that the petitioner has paid an amount of ₹10 lakhs to the de facto complainant. Considering the said aspect and having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am satisfied that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail 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 concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays, commencing from 07.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) 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)

aks/31/03

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PA to Judge