

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Bail Appl..No. 1804 of 2015 ()

CRIME NO. 201/2013 OF VYTHIRI POLICE STATION, KOZHIKODE DISTRICT

PETITIONER/ACCUSED NO.1:

**SHAJI P., AGED 43 YEARS,
MANAGING DIRECTOR, SHILLING CHITS PVT. LTD.,
DOOR NO. 46, VRINDAVAN TOURIST HOME BUILDING,
EAST NADAKAVU, CALICUT - 673 066, RESIDING AT SREERAG,
PILLASSERY, KUNNAMANGLAM P.O.**

BY ADV. SRI.T.K.RAJESHKUMAR

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI - 31.**
- 2. S.I OF POLICE,
POLICE STATION, VYTHIRI - 673 602.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

.....
B.A. No.1804 of 2015

.....
Dated this the 8th day of April, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.201/2013 of the Vythiri Police Station, Kozhikode registered for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that they have conducted chitty business in the name and style as "Shilling Chits Pvt. Ltd.' at Vythiri and they have defrauded and cheated the defacto complainant and others to the tune of Rs.5,00,000/-.

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

5. In this case, the petitioner was granted anticipatory bail by this Court on 11.12.2013 thereby imposing a condition that he should deposit an amount of Rs.5,00,000/- in fixed deposit for compensating the liability towards the defacto complainant and others in this case. It seems that the petitioner has failed to comply with the condition. Arrest of the petitioner has been formally recorded in this case on 04.02.2015, while he was undergoing detention in another case.

6. The learned counsel for the petitioner has submitted that the petitioner is ready and willing to deposit the said amount before the court below, within one month. Considering the submissions made by the learned counsel for the petitioner, I am of the view that the petitioner can be enlarged on bail, on strict conditions.

7. 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 ₹5,00,000/- (Rupees five lakhs only) before the court below, within a period of one month 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 etc. in this case.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 15.04.2015 for a period of three months.

(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

ul/-

[True copy]

P.S. to Judge