

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Bail Appl..No. 1811 of 2015

CRIME NO. 414/2015 OF THIRUVALLA POLICE STATION , PATHANAMTHITTA

PETITIONER(S)/1ST ACCUSED :

**PREMJITH @ L.BABU, AGED 50 YEARS,
PREM NIVAS, THATTAMALA, KOLLAM.**

**BY ADVS.SRI.V.S.CHANDRASEKHARAN
SRI.M.V.DAS
SMT.LEKSHMI SWAMINATHAN**

RESPONDENT(S) :

**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 01-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

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B.A. No. 1811 of 2015

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Dated this the 1st day of April, 2015

O R D E R

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.414/2015 of the Thiruvalla Police Station registered for the offence punishable under Section 420 read with Section 34 IPC.

3. The allegation against the petitioner is that by offering an admission to the son of the de facto complainant at TKM Engineering College, Kollam, he obtained an amount of ₹6 lakhs from the de facto complainant by way of three instalments during the period 2012 and 2013, by styling himself as the agent of the said college. Thereafter, he has failed to procure the admission as offered and has failed to return the amount. The petitioner has been in custody for the period from 20.3.2015 onwards.

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

5. The contents of the C.D *prima facie* reveal the complicity of the petitioner. It seems that the petitioner had deliberately induced the de facto complainant to part with an amount of ₹6 lakhs by fraudulently offering an admission to the son of the de facto complainant at TKM Engineering College, Kollam. When the matter has become worse, it seems that the petitioner had caused to issue a cheque for ₹6 lakhs drawn from the account maintained by the wife of the petitioner, who is the 2nd accused herein. 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 de facto complainant.

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 deposit an amount of ₹6 lakhs before the court below within 'three' months from today. The said amount shall be kept in deposit till the disposal of the case for compensating the loss, if any, sustained to the de facto complainant.

(ii) The petitioner shall report before the Investigating Officer in between 9 am and 11 am on all Wednesdays and Saturdays, commencing from 08.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(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

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//True copy//

P.Ato Judge.