

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

Bail Appl..No. 1812 of 2015 ()

CRIME NO.899/2012 OF NADAKKAVU POLICE STATION

CC.1004/2014 OF JFCM-II, THAMARASSERY

PETITIONER(S):

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

BY ADV. SRI.T.K.RAJESHKUMAR

RESPONDENT(S):

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1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
 2. S.I OF POLICE
POLICE STATION, MUKKAM, KOZHIKODE DISTRICT
PIN 673 602.

R BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

.....
B.A. No.1812 of 2015

.....
Dated this the 9th day of April, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.899/2012 of the Nadakkavu Police Station, presently pending as C.C.1004/2014 before the Judicial First Class Magistrate's Court-II, Thamarassery, registered for the offences punishable under Section 420 of the Indian Penal Code and Sections 4, 5, 8, 19 and 20 and read with S.79 of the Chit Fund Act, 1982.

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

4. Earlier, bail was granted to the petitioner by this Court and he was directed to deposit an amount of Rs.5,00,000/- in fixed deposit for compensating the liability towards the defacto complainant and others in this case. As he could not deposit the amount as ordered, he has surrendered before the court below on 31.01.2015 and on his surrender before the court below his bail was cancelled and he has been undergoing detention for the period from 31.01.2015 onwards.

5. 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.

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 ₹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 Thursdays and Mondays commencing from 16.04.2015 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.

ul/- Sd/- **B.KEMAL PASHA, JUDGE**

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P.S. to Judge.