

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

Bail Appl..No. 1869 of 2015 ()

(Crime No. 423 of 2015 of Parippally Police Station)

PETITIONER(S)/ACCUSED:

MOHAMMED SHAJI AGED 30 YEARS
S/O.MUHAMMED HANEEFA, SHAJI MANZIL, KULAVAMKUZHI
PANGODE.

BY ADV. SRI.M.DINESH

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

BY PUBLIC PROSECUTOR SMT. T.,Y.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
10-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B. SUDHDEENDRA KUMAR, J.

.....
Bail Application No. 1869 of 2015
.....

Dated this the 10th August, 2015

ORDER

The petitioner is the accused in Crime No. 423 of 2015 of Parippally Police Station registered for offence under Section 420 IPC. The petitioner has filed this petition under Sec. 438 Cr.P.C.

2. The prosecution allegation is that on 20-2-2015, auction was conducted by the Temple Festival committee for allotting space for shops in connection with the temple festival. The petitioner was the highest bidder. The petitioner sublet a portion of the place to the de facto complainant for Rs. 35,000/-. Eventhough the de facto complainant paid the amount, the petitioner did not pay the amount to the temple authorities. Since the temple authorities did not permit the de facto complainant to remove his ice cream shops from the place without making payment, the de facto complainant sustained loss due to the damage caused to the ice cream.

3. Heard the learned counsel for the petitioner and the

learned Public Prosecutor. The learned Public Prosecutor has no serious objection in granting the relief under Section 438 Cr.P.C. in favour of the petitioner.

4. It appears from the case diary that the dispute in this case is mainly civil in nature. In the said circumstances, the custodial interrogation of the petitioner is not necessary for the progress of investigation of the case. In the said circumstances, I am inclined to grant the relief under Section 438 Cr.P.C. in favour of the petitioner.

5. In the result, this Application stands allowed and the respondent is directed to release the petitioner on bail, in the event of his arrest in connection with Crime No. 423 of 2015 of Parippally Police Station, on condition of the petitioner executing a bond for Rs. 30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like amount to the satisfaction of the Station House Officer, Parippally Police Station, before whom the petitioner shall surrender (if not already arrested) within ten days from this date and subject to the following conditions:

- i) The petitioner shall report before the Investigating Officer on every Monday between 9 a.m. to 11 a.m. for one month and thereafter, as and when required by the Investigating Officer for interrogation..

ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence

iii) The petitioner shall not get involved in any offence while on bail.

**B. SUDHDEENDRA KUMAR,
JUDGE.**

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