

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. 1967 of 2015

**CRIME NO. 274/2015 OF KAZHAKKUTTOM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**
.....

PETITIONER:

**BINU. S, S/O.SUKUMARAN,
AGED 41, RESIDING AT 'BINOY BHAVAN',
KARYODU, PALOTTUVILA, MALAYINKEEZHU.P.O.,
VILAVOORKAL VILLAGE, MAYAYINKEEZHU DESOM,
PIN - 695 571, THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.RAJESH P.NAIR

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
KAZHAKUTTOM POLICE STATION, KAZHAKUTTOM,
THIRUVANANTHAPURAM - 695 001.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

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

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.1967 of 2015
.....

Dated this the 9th day of April, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.274/2015 of Kazhakuttam Police Station registered for the offences punishable under Sections 406 and 420 IPC.

3. The allegation against the petitioner is that for the period from 14.03.2013 to 13.06.014, he had purchased Zuari cement from the de facto complainant and failed to pay ₹1,86,685/- to the de facto complainant.

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

5. On going through the facts and circumstances of the case, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit

case wherein anticipatory bail can be granted to the petitioner.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, 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 Thursdays and Mondays commencing from 16.04.2015 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.*

BA.1967/2015

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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/09/04

*// True Copy //*

*PA to Judge*