

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

Bail Appl..No. 1980 of 2015 ()

CRIME NO. 139/2015 OF AYARKUNNAM POLICE STATION, KOTTAYAM DISTRICT

PETITIONERS/ACCUSED :

**SURESH P. THANKAPPAN
S/O. THANKAPPAN, AGED 45 YEARS
SUNI NVAS, AYARKUNNAM, AYARKUNNAM P.O.,
KOTTAYAM DISTRICT.**

BY ADV. SRI.T.K.AJITHKUMAR (VALATH)

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**

***ADDL. R2 IMPEADED**

***ADDL. R2. JIJO A. JOSE
S/O. A.V. JOSE, ENIYAKATTIL HOUSE
ANAKULAM P.O., CHANAPETTA
ANCHAL, KOLLAM DISTRICT
PIN – 691 311.**

***ADDL. R2 IS IMPEADED AS PER ORDER IN CRL.M.A. NO. 5425/2015
DATED 12/06/2015.**

R1 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K.ABRAHAM MATHEW, J.

.....
B.A.No. 1980 of 2015

.....
Dated this the 12th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No139 of 2015 of Ayarkunnam Police Station registered for the offences under Section 420 of the Indian Penal Code. The prosecution case is that, he made a false promise to the first informant that he would get a seat for MBBS course for his sister and received a sum of Rs.6,00,000/- (Rupees Six lakhs only) for that purpose and he failed to get a seat and has failed to return the amount also except Rs.30,000/- (Rupees Thirty thousand only).

3. Heard both sides.

4. The learned counsel submits that the petitioner borrowed certain amount from the first informant on the security of three signed blank cheques and his title deed and this is a false case. Prima facie it is difficult to believe that the first informant believed the representation of the petitioner that

he would get a seat for MBBS course for his sister in Kalamassery Medical College, which is not a private institution. The probability of the petitioner's case being true cannot be ruled out. So I am inclined to grant his prayer. In the result, this application is allowed.

- i. (i) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.
- ii. He/ shall appear before the Investigating Officer for interrogation if he so required by him in writing.
- iii. He shall not destroy or tamper with evidence.
- iv. He shall cooperate with the investigation.
- v. In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K.ABRAHAM MATHEW
JUDGE

AMV/12/06/

/TRUE COPY/

P.A.TO JUDGE

