

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. 2023 of 2015 ()

CRIME NO. 1605/2013 OF ADIMALY POLICE STATION, IDUKKI DISTRICT

PETITIONER/IST ACCUSED :

**K.J. JAMES
S/O. JOSEPH, AGED 60 YEARS
KANJIRATHUMOODU HOUSE
PUZHAVATHU P.O., CHANGANASSERY.**

**BY ADVS.SRI.PHILIP T. VARGHESE
SRI.THOMAS T. VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.K.R.MONISHA**

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING THE STATION HOUSE OFFICER
ADIMALY POLICE STATION, ADIMALY – 685 561.**

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:**

Mn

B. KEMAL PASHA, J.

.....
B.A. No.2023 of 2015
.....

Dated this the 9th day of April, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1605/2013 of Adimaly Police Station registered for the offences punishable under Sections 409 and 420 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that, under the name and style of 'Apple Tree Chits India Pvt. Ltd.', he has defrauded and cheated several members of the public and defrauded and cheated the de facto complainant in this case for an amount of ₹1,78,100/-. He has not so far cared to return the said amount. The petitioner has been in custody for the period from 09.03.2015 onwards.

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

5. It seems that the petitioner is also involved in other cases of similar nature and he has been in judicial custody for the period from 23.02.2015 onwards. While so, he has been formally arrested in this case on 09.03.2015. 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 ₹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 ₹59,000/- (Rupees fifty nine thousand only) before the court below within a period of 15 days 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 de facto complainant.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays commencing from 16.04.2015 for a period of six months.

(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)

aks/09/04

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PA to Judge