

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE SUNIL THOMAS**

**FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937**

**Bail Appl..No. 2027 of 2015**  
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**CRIME NO. 1787/2013 OF ERNAKULAM SOUTH POLICE STATION , ERNAKULAM**  
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**PETITIONER(S)/ACCUSED 7 AND 8:**  
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- 1. NISSAR, AGED 32 YEARS,  
S/O. KOCHUMARAKKAR, CHERUPARAMBIL, MUDICKAL P.O.  
MARAMBILLY VILLAGE, KUNNATHUNADU TALUK,  
ERNAKULAM DISTRICT.**
- 2. SATHAR, AGED 27 YEARS,  
S/O. JABBAR, PUTHIRI, MUDICKAL P.O.  
MARAMBILLY VILLAGE, KUNNATHUNADU TALUK,  
ERNAKULAM DISTRICT.**

**BY ADV. SRI.P.M.ZIRAJ**

**RESPONDENT(S)/COMPLAINANT:**  
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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM,  
THROUGH SUB INSPECTOR OF POLICE,  
ERNAKULAM TOWN SOUTH POLICE STATION, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT.LISHA M.G.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10-07-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**PJ**

**SUNIL THOMAS, J.**

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**B.A.No.2027 of 2015**

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Dated this the 10<sup>th</sup> day of July, 2015

**ORDER**

Petitioners are accused Nos.7 and 8 in Crime No.1787 of 2013 of the Ernakulam Town Police Station for offences punishable under Sections 120(b), 452, 506(ii), 327 and 365 r/w Section 34 of the Indian Penal Code.

2. The crux of the allegation against the accused as discernible from the private complaint laid before the learned magistrate is that on 26.09.2013, the accused formed into an unlawful assembly, trespassed into the office of the de facto complainant at 4 p.m. and thereafter, forcefully took away two computers, a Santro car and thereafter, threatening him got several blank papers executed. On the basis of the private complaint laid, on 30<sup>th</sup> September, 2013, the crime was registered. Petitioners apprehend arrest. Hence the application.

3. Heard both sides and examined the records.

4. The private complaint itself reveals that the first accused is a firm and accused Nos.2 to 4 are its partners. The complainant was the Chairman of the company with which the first accused had certain money transaction. A contract is also seen entered on

04.02.2012. It is as sequel to the alleged violation of the terms of the above agreement, the above incident is alleged to have happened. There is an indication in the private complaint that though the complaint was laid to the police, they did not take any action. It cannot be believed that, at this point of time, in a complaint relating to the alleged offence which involves many serious allegations, the police remained inactive. Admittedly, there seems to be several disputes between both sides regarding the terms of the contract. In the above circumstance, the present complaint has been treated as a part of the above dispute. Since the essential allegation against the accused is sought to be proved through the oral testimony of the complainant and all attending circumstances, I feel that custodial interrogation of the applicants herein may not be essential. It is especially for the reason that the overt act alleged against them appears to be not serious and also in the background of the alleged breach of the terms of the contract. Hence, I am inclined to grant bail to the applicants subject to the following conditions:

- (i) Applicants shall appear before the Investigating Officer on 23.07.2015 between 9 a.m and 10 a.m. After undergoing interrogation, in the event of their arrest, they shall be released on bail on each of the applicant

executing a bond for a sum of Rs.60,000/- (Rupees sixty thousand only) with two sureties each for the like sum each.

(ii) Applicants shall not interfere in the process of investigation, threaten, coerce or intimidate the witnesses.

(iii) Applicants shall appear before the Investigating Officer as and when called for.

The application is allowed accordingly.

Sd/-

**SUNIL THOMAS**  
**Judge**

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