

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 21ST DAY OF APRIL 2015/1ST VAISAKHA, 1937

Bail Appl..No. 2035 of 2015 ()

CRIME NO. 1266/2014 OF PIRAVAM POLICE STATION , ERNAKULAM

PETITIONER(S):

**ROY SEBASTIAN, AGED 49 YEARS
S/O. SEBASTIAN PHILIP, PUTHENPURACKAL HOUSE
UDAYAMPEROOR, UDAYAMPEROOR PO
MANAKUNNAM VILLAGE, KANAYANNUR TALUK**

**BY ADVS.SRI.M.M.MONAYE
SRI.M.PAUL VARGHESE**

RESPONDENT(S):

**STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, PIRAVOM POLICE STATION
(CRIME No.1266/2014), REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**

R BY PUBLIC PROSECUTOR, SMT. SHEEBA M.T.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
21-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

das

BABU MATHEW P. JOSEPH, J.

B.A. No. 2035 of 2015

Dated this the 21st day of April, 2015

ORDER

This petition is filed under section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned public prosecutor appearing for the respondent.

3. The petitioner is the second accused in crime No. 1266 of 2014 of Piravom Police Station. The offences alleged are under Sections 120B and 420 read with Section 34 of the Indian Penal Code. Learned counsel for the petitioner submits that the petitioner is a broker for selling landed properties. He is innocent of the allegations raised against him. He has no criminal antecedents. The investigation of the case has progressed much. The first accused, who is the owner of the property, was granted anticipatory bail by this Court, by Order dated 7-4-2015 on

B.A.No.710 of 2015. He further submits that the petitioner apprehends arrest by the police at any time.

4. Learned Public Prosecutor, on instructions, submits that the investigation of the case has progressed much. No criminal antecedents have been reported against the petitioner, she further submits. This Court, while granting anticipatory bail to the first accused, observed in paragraph 5 of the Order as follows:

“5. It seems that the petitioner has got a 'patta' with regard to the property and he had rightly offered the property for sale to the de facto complainant. It is true that he has accepted an amount of ₹4,50,000/- as part of consideration. Considering the facts and circumstances of the case, I am of the view that the matter involved is more or less civil in nature and most probably it can be an instance of breach of contract. The parties can have recourse to civil remedies in the matter. Considering the said aspect, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.”

In view of the above facts, this Court is satisfied that the petitioner can be granted anticipatory bail imposing

appropriate conditions. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

- 1) The petitioner shall surrender before the Investigating Officer on or before 28-04-2015 . In the event of his arrest, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- 2) 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 or her from disclosing such facts to the Court or to any Police Officer.
- 3) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.
- 4) The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

- 5) The petitioner shall not commit any similar offence while on bail.
- 6) The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This application is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH,
JUDGE

//True Copy//

P.A. to Judge