

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Bail Appl..No. 2342 of 2015

CRIME NO. 387/2015 OF BADAGARA POLICE STATION , KOZHIKODE RURAL

PETITIONER(S)/ACCUSED :

**CHANDRAN, AGED 50 YEARS,
S/O.KRISHNAN, POYANEERI POYIL HOUSE, EDACHERI NORTH,
PRESENT PILATHOTTATHIL, SUGATHA HOUSE, NUT STREET,
VATAKARA.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. THE SUB INSPECTOR OF POLICE,
BADAGARA POLICE STATION, KOZHIKODE RURAL- 673 101.**
- 2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM- 682 031.**

*** ADDITIONAL R3 IMPEADED**

- 3. T.RAJEEV BABU, S/O.ANANDHAN,
AGED 65 YEARS, KADAVATH KANDIYIL HOUSE,
VADAKARA.**

*** ADDITIONAL R3 IS IMPEADED AS PER ORDER DATED 24.07.2015 IN
CRL.M.A.NO.5444 OF 2015.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH
ADDL.R3 BY ADVS. SRI.U.P.BALAKRISHNAN
SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH
SRI.PRAJIT RATNAKARAN**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

B.A. No.2342 of 2015

Dated this the 24th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sections 406 and 420 of the Indian Penal Code.

3. The prosecution case is that he was a foreman of a chitty and the first informant was a subscriber; though the latter remitted all the installments the petitioner did not pay the chitty amount to him.

4. Heard.

5. The chitty came to an end in 2013. On 12.04.2013 the petitioner admittedly gave the victim a cheque for Rs.1,00,000/- (Rupees One lakh only), which was encashed by the victim. The learned counsel for the victim submits that it was repayment of a loan. But it is pertinent to note that the First Information Statement was given only on 6.04.2015 after a lapse of two years. It is doubtful whether the elements of the offences are present.

For these reasons I am inclined to grant the prayer of the petitioner.

In the result, this application is allowed.

The petitioner shall be released on bail after interrogation on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.

2. He shall appear before the investigating officer for interrogation if he is so required by him in writing.

3. He shall not get himself involved in any other criminal case while he is on bail.

4. He shall not intimidate or attempt to influence the witnesses.

5. He shall not destroy or tamper with the evidence.

6. He shall surrender his passport before the lower court concerned of if he does not have one, he shall file an affidavit to that effect within five days of his release.

7. He shall not leave India without the previous permission of the court of enquiry or trial court as the case

may be.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law.

If the petitioner surrenders before the Magistrate this order is not applicable and the learned magistrate may pass appropriate orders.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge