

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

Bail Appl..No. 2446 of 2015 ()

CRIME NO. 1499/2013 OF CHAVARA POLICE STATION.

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PETITIONER(S):

**SHIJU AUGUSTINE, S/O. AUGUSTINE,
AGED 33 YEARS, CHEMBAPULLY HOUSE,
KURUMATHOOR DESOM, THALIPARAMBU,
KANNUR DISTRICT.**

**BY ADVS.SRI.LAL K.JOSEPH,
SRI.A.A.ZIYAD RAHMAN,
SRI.V.S.SHIRAZ BAVA.**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICE,
CHAVARA POLICE STATION, KOLLAM-698 010.**

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

B.A. No.2446 of 2015

Dated this the 28th day of July 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.1499 of 2013 of Chavara Police station registered for the offences under Sec.420 of the Indian Penal Code. He is the settler of a trust which runs schools in the State. It is alleged that he collected two lakhs rupees from the victim who is a teacher in his school and has failed to refund it on demand.

3. Heard both sides.

4. Pursuant to the direction issued by this Court, the petitioner has deposited Rs.2,00,000/- (Rupees two lakhs only) in the trial court. It appears that his custodial interrogation is not necessary for completion of investigation. So I am inclined to grant the prayer of the petitioner.

In the result, the bail application is allowed.

1. 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) The petitioner shall appear before the Investigating Officer for interrogation if he is so required by him in writing.

3) The petitioner shall surrender his passport before the lower court concerned or if he does not have the one, file an affidavit to that effect.

4) The petitioner shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5) The petitioner shall not destroy or tamper with evidence nor shall he get himself involved in any other criminal case.

6) The petitioner shall not intimidate or

attempt to influence the witnesses.

7) The petitioner shall co-operate with investigation of the case.

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

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

'The amount will be held by the trial court subject to the result of the investigation or agreement between the parties concerned.'

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge