

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

Bail Appl..No. 2686 of 2015

CRIME NO. 64/2015 OF KENICHIRA POLICE STATION , WAYANAD

PETITIONER/ACCUSED:

**HARI @ AIRIZ, AGED 44 YEARS,
S/O.CHATHUKUTTY, LEELA NIVAS, PAZHUPATHOOR,,
SULTHAN BATHERY VILLAGE, SULTHAN BATHERY TALUK,
WAYANAD DISTRICT.**

**BY ADVS.SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM**

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE,
KENICHIRA POLICE STATION, KENICHIRA P.O 673 596.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

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B.A.No.2686 of 2015

Dated this the 6th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No. 64 of 2015 of Kenichira Police Station. He is said to have committed the offence under Section 420 of the Indian Penal Code.

3. He undertook construction of certain houses under PVTG House Construction Scheme of the Tribal Department and received the whole amount from the beneficiaries. The accusation is that he has not completed the construction and he has thus cheated the beneficiaries.

4. Heard.

5. It is doubtful whether the facts of the case will attract Section 420 IPC. So, I am inclined to grant the prayer of the petitioner.

In the result, this application is allowed.

1)The petitioner shall be released on bail 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 surrender his passport before the

lower court concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.

3)He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

4)He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.

5)He shall not intimidate or attempt to influence the witnesses.

6)He shall not destroy or tamper with evidence.

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

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

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

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

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P.A. To Judge