

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Bail Appl.No. 2944 of 2015

CRIME NO. 649/2015 OF ERNAKULAM CENTRAL POLICE STATION, ERNAKULAM
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APPLICANT/2ND ACCUSED:

**K.J.JOSEPH, AGED 82 YEARS,
S/O.JOSEPH, KAKKATTIL HOUSE,
VALLICHIRA KARA, PULIYANNOOR VILLAGE, PALA,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.THOMAS J.ANAKKALLUNKAL**

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
ERNAKULAM CENTRAL POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

**BY SRI.K.I.ABDUL RASHEED, ADDITIONAL DIRECTOR
GENERAL OF PROSECUTION**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
11-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

B.A. No.2944 of 2015

Dated this the 11th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is an 82 year old man. He is owner of a property in Ernakulam town. He entered into an agreement with the Ernakulam Chamber of Commerce whereby the latter undertook to construct a building. Huge amounts were collected from certain persons who wanted to purchase apartments in the proposed building. The first informant purchaser was allotted an apartment on the 13th floor. But the builder had no sanction to construct that floor. This is the prosecution case.

3. Heard.

4. It is not in dispute that the petitioner- the Managing Director of Cherupushpam Films Private Limited was the owner of the land on which the building was constructed. In the First Information Statement it is specifically mentioned that it was the first accused Chairman of the Kerala Trade Center/Kerala Chamber of Commerce and Industries who collected Rs.15,00,000/- (Rupees Fifteen lakhs only) from the first informant and

cheated the first informant. There is no allegation that the petitioner collected any amount from the first informant. So, I think this is a fit case to grant him anticipatory bail.

In the result, this application is allowed.

1. The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties for the like sum each 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 evidence.

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

sd/-

K. ABRAHAM MATHEW
JUDGE