

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

Bail Appl..No. 3525 of 2015

**CRIME NO. 1327/2013 OF KAZHAKKOOTTAM POLICE STATION,
THIRUVANANTHAPURAM.**
.....

PETITIONER:

**SREEJITH.P, AGED 39,
S/O.PRABHAKARAN PILLAI,
SREENILAYAM VEEDU,
KOYIPPURAM.PO., THIRUVALLA TALUK,
PATHANAMTHITTA DIST., PIN 689 - 531.**

BY ADV. SRI.BABU PAUL

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE STATION HOUSE OFFICER,
KAZHAKKOOTTAM POLICCE STATION,
KAZHAKKOOTTAM - 695 001.**

BY PUBLIC PROSECUTOR SMT.REMA.R

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.3525 of 2015

Dated this the 24th day of June 2015

ORDER

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is the accused in Crime No.1327 of 2013 of Kazhakkootam Police station registered for the offences under Secs.406, 420 and 447 read with Sec.34 of Indian Penal Code. The Prosecution case is that the first informant borrowed Rs.50,00,000/- (Rupees fifty lakhs only) from the 4th accused who wanted the first informant to execute a sale deed in respect of his property in favour of the petitioner as security. He undertook to reconvey the property when the amount was repaid. But before the repayment was made, the property was transferred to a stranger. The petitioner and the co-accused have thus committed the offences mentioned above.

3. Heard both sides.

4. Learned counsel submits that the dispute is essentially of a civil nature. He has brought to my notice that the suit filed by the first informant for declaration of

his title and other reliefs ended against him with the rejection of the plaint for non payment of balance court fee. This cannot be ignored. It is not proper for me to make any observation about the merits of the case. But having regard to the fact that the plaint was rejected, I think it is only proper that the petitioner is granted anticipatory bail.

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.1,00,000/- (Rupees one lakh 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 between 10.00 a.m. and 11.00 a.m. on every Friday for three months and thereafter on the 1st and 3rd Saturdays for two more months or till the final report is filed whichever is earlier.

3) He shall surrender his passport before

the lower court concerned or if he does not have the same, file an affidavit to that effect.

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

5) He shall not destroy or tamper with evidence.

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

7) He shall not get himself involved in any other criminal 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.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge