

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Bail Appl..No. 4116 of 2015

CRIME NO. 945/2015 OF MANJERI POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S)/2ND ACCUSED :

**AJITH KUMAR, AGED 54 YEARS,
S/O.KEDAKALATHIL LAKSHMIKUTTY AMMA,
MANCHERI PARAMBATH HOSUE, P.O. VELLILA,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.P.SUDHEER

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION, MANJERI, MALAPPURAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

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B.A.No. 4116 of 2015

Dated this the 13th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No. 945 of 2015 of Manjeri Police Station registered for the offences under Sections 419 and 420 read with Section 34 of the Indian Penal Code. It is alleged that he along with the co-accused made a false promise to the victim that they would get him a job in the Plantation Corporation owned by the State and received Rs.9,00,000/- from him and they have failed to get him a job or to refund the amount.

3. Heard.

4. Learned counsel submits that the petitioner is not involved in the matter. Admittedly, the payment was made through the account of the third accused who is the wife of the second accused. It is seen from the bank accounts of the petitioner that he received Rs.1,90,000/- from the third accused. So it cannot be ruled out that he is involved in the transaction. Learned counsel submits that he is also a victim of the co-accused which according to him is seen from Annexure-A3 complaint he had filed long before the registration of this case. But the complaint is no evidence that he is not involved in the transaction.

But having regard to the facts of the case, I am inclined to take the view that he may be granted anticipatory bail subject to certain conditions.

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)He shall deposit Rs.1,90,000/- (Rupees one lakh ninety thousand only) in the trial court within two weeks.*
- 3)He 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.*
- 4)He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.*
- 5)He shall appear before the Investigating Officer between 10 a.m. and 11 a.m. every 1st and 3rd Saturday of September, 2015.*
- 6)He shall not intimidate or attempt to influence the witnesses.*
- 7)He shall not destroy or tamper with evidence.*
- 8)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

//True copy//

P.A. To Judge