

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Bail Appl..No. 4402 of 2015

PETITIONER(S) :

**BABUKUTTAN, AGED 47 YEARS,
S/O.PAPPACHAN, PANCHAKULATHU BETHEL, MANAPPALLY SOUTH,
S.R.P MARKET, KARUNAGAPALLY.**

**BY ADVS.SRI.S.RAJEEV
SRI.AJAYA KUMAR. G**

RESPONDENT(S) :

**1. STATE OF KERALA,
REPRESENTED PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**2. SUB INSPECTOR OF POLICE,
ADOOR POLICE STATION, KOLLAM.**

*** ADDITIONAL R3 IMPEADED**

**3. REGUNATHAN K., AGED 62 YEARS,
S/O.KUNJUKRISHNAN, DIRECTOR CAP STONE GRANITE
PRIVATE LIMITED, CHAYALODE P.O., PATHANAMTHITTA DISTRICT,
RESIDING AT KNRA 40, T.C.1786/1, KARAMANA MURIYIL,
THAIKKADU VILLAGE, THIRUVANANTHAPURAM DISTRICT, PIN- 695 002.**

*** ADDITIONAL R3 IS IMPEADED AS PER ORDER DATED 04.08.2015 IN
CRL.M.A.NO.7265 OF 2015.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN
ADDL.R3 BY ADV. SRI.C.S.AJITH PRAKASH**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A.No.4402 of 2015

Dated this the 9th day of September, 2015

O R D E R

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.1707 of 2015 of Adoor Police Station registered for the offence punishable under Section 420 of the Indian Penal Code.

3. Heard the learned counsel for the petitioner, learned counsel for the *de facto* complainant and learned Public Prosecutor.

4. Prosecution case is that due to previous acquaintance between the *de facto* complainant and the accused, the *de facto* complainant, a business man in granite, entrusted money to the petitioner/accused for purchase of land suitable for his business. It is alleged that money received from the *de facto* complainant was not paid to the owner of the land with whom an agreement was alleged to have been executed.

5. Learned Public Prosecutor submitted that fake documents have been created by the accused and money

was not given to the owner of the property is the allegation borne out from the case diary.

6. Learned counsel for the petitioner submitted that the petitioner was an employee of the *de facto* complainant and there was a claim for arrears of salary. When a notice was issued demanding arrears of salary the whole trouble started. This contention is strongly denied by the learned counsel for the *de facto* complainant. According to him, the Bank transaction itself would show that the *de facto* complainant had passed on more amounts than the claim of arrears of salary made by the petitioner.

7. Considering the entire facts and circumstances, I am inclined to grant anticipatory bail to the petitioner with the following conditions:

- (a) Petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. Thereafter, on 'three consecutive' days he shall appear before

the Investigating Officer for interrogation and he shall be released on bail on his executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.

- (b) The petitioner shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) Petitioner shall not, during the period of this bail get involved in any offence.
- (g) The petitioner shall surrender his passport before the Magistrate having jurisdiction. If he does not have a passport, he shall

file an affidavit stating that fact.

- (h) The petitioner shall not leave the limits of the State of Kerala without permission of the Magistrate having jurisdiction.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge