

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Bail Appl..No. 4421 of 2015 ()

CRIME NUMBER NOT KNOWN TO THE PETITIONER

PETITIONERS/ACCUSED :

1. RAJAN PADASSERY, AGED 46 YEARS,
S/O.K.NARAYANAN NAIR, PADASSERY HOUSE,
VENKITANGU P.O.,THRISSUR DISTRICT, PIN - 680510
WORKING AS DEALER SHIP HEAD, INDUS MOTOR CO. LTD.
KOOTTUPATHA, PALAKKAD, PIN 678007.
2. VINU KUMAR, AGED 41 YEARS,
S/O.AYYAPPAN NAIR, FLAT NO.12A, BLOSSOM APARTMENT,
PUTHUR P.O., PALAKKAD, PIN 678001
WORKING AS REGIONAL SALES HEAD, INDUS MOTOR CO LTD.,
COIMBATORE ROAD, KOOTTUPATHA P.O., PALAKKAD
PIN 678007.
3. SHAMSUDDEEN, AGED 49 YEARS,
S/O.KUNJIPPA RAWTHER, P.V.K.MANZIL, KALLEKKAD P.O.
PALAKKAD, PIN: 678006 WORKING AS SHOWROOM MANAGER,
INDUS MOTOR CO LTD., KOOTTUPATHA, PALAKKAD
PIN 678007.

BY ADV. SRI.P.K.ABOOBACKER(EDAPPALLY)

RESPONDENTS/COMPLAINANT :

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.
2. THE S.I. OF POLICE
PUTHUSSERY POLICE STATION, PALAKKAD, PIN 678007
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.4421 of 2015

Dated this the 29th day of July 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Apprehending arrest, the petitioners have approached this Court under Sec.438 Cr.P.C. They are officers of M/s Indus Motors Co. Ltd. The prosecution case is that they along with the co-accused cheated the first informant who had booked a car and paid the entire amount.

3. Heard both sides.

4. It is submitted that the petitioners 2 and 3 are not made an accused in this case.

5. There is no specific allegation against the 1st petitioner that he received any amount from the first informant. The specific allegation is against the 1st accused only.

6. Having regard to this fact, I am inclined to grant the prayer of the 1st petitioner.

In the result, the bail application is allowed in

part.

1. The 1st 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 each for the like sum if he is arrested by the Police in connection with this case.

2) The 1st petitioner shall appear before the Investigating Officer for interrogation if he is so required by him in writing.

3) He shall surrender his passport before the lower court concerned or if he does not have the one, 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 nor shall he get himself involved in any other criminal case.

6) He shall not intimidate or attempt to

influence the witnesses.

7) He shall co-operate with investigation of the 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.

If the 1st petitioner surrenders before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

The application is dismissed so far as the other petitioners are concerned.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

NS

P.A. To Judge