

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

Bail Appl..No. 4443 of 2015 ()

CRIME NO. 334/2014 OF CHEEMENI POLICE STATION, KASARAGOD DISTRICT

PETITIONER/ACCUSED NO.2 :

**SUMESH K., AGED 38 YEARS
S/O.KUNHIKRISHNAN NAIR, KANA HOUSE,
VARAKKOT VAYAL, PILICODE P.O., HOSDURG TALUK,
KASARAGOD DISTRICT.**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENTS/COMPLAINANT/STATE :

**1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

**2. THE STATION HOUSE OFFICER
(CRIME NO.334/2014 OF CHEEMENI POLICE STATION
KASARAGOD DISTRICT)- 671 314.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

B.A. No.4443 of 2015

Dated this the 30th day of July 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.334 of 2014 of Cheemeni Police station registered for the offences under Secs.107, 120B, 405, 420 and 463 read with Sec.34 of the Indian Penal Code. The 1st accused availed himself of a loan from the first informant for construction of a house. The loan was to be disbursed at different stages of construction. To enable the 1st accused to get the instalments, it is alleged that the petitioner gave false certificates.

3. Heard both sides.

4. The 1st accused has already been granted anticipatory bail by this Court. There is no reason why the petitioner also shall not be 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.25,000/-(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 appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. every Wednesday for three 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 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 petitioner 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 petitioner surrenders before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

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

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P.A. To Judge