

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Bail Appl..No. 4582 of 2015 ()

CRIME NO. 407/2015 OF KOLLENGODE POLICE STATION.

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PETITIONER(S):

**SANEESH, S/O.JAMES, AGED 28 YEARS,
ANJILITHOTTIYIL HOUSE, KUZHIYANAL BHAGOM,
KAKKOMBUR KARA, MUTTOM VILLAGE, THODUPUZHA.**

**BY ADVS.SMT.P.DEEPTHI,
SRI.SABU JOHN.**

RESPONDENT(S):

**STATE OF KERALA,
REP. BY SUB INSPECTOR OF POLICE,
KOLLENGODE POLICE STATION, PALAKKAD DISTRICT,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

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B.A.No. 4582 of 2015

Dated this the 5th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner along with his co-accused is said to have committed the offences under Sections 415, 417 and 420 read with Section 34 of the Indian Penal Code. The prosecution case is that they made a false promise that they would get a Badge for the victim from the RT Office and received Rs.85,000/- and failed to get it.

3. Heard.

4. Learned counsel for the petitioner submits that the allegations are false. The co-accused is brother of the petitioner. It is true that there is evidence to show that Rs.85,000/- was paid to the co-accused in two installments through his bank account. But there are some suspicious circumstances which create doubt about the involvement of the petitioner in the transaction. So, I am inclined to grant his prayer.

In the result, this application is allowed.

1)The petitioner shall be released on bail 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) *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.*

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

4) *He shall appear before the Investigating Officer between 10 a.m. and 11 a.m. every alternate Wednesday for three months or till the final report is filed, whichever is earlier.*

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

6) *He shall not destroy or tamper with evidence.*

7) *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