

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

Bail Appl..No. 4603 of 2015 ()

**CRIME NO. 1066/2015 OF PALAKKAD TOWN SOUTH POLICE STATION ,
PALAKKAD DISTRICT**

PETITIONER/ACCUSED NO. 1:

**BINESHKUMAR, AGED 46 YEARS,
S/O V.K. BHASKARAN, 10/476, VADAKKEPADAM,
NARANKUZHI ROAD, CHITTUR TALUK,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031
(CRIME NO. 1066/2015 OF PALAKKAD TOWN SOUTH POLICE STATION,
PALAKKAD DISTRICT).**
- 2. STATION HOUSE OFFICER,
PALAKKAD TOWN SOUTH POLICE STATION,
PALAKKAD DISTRICT-678 001 (CRIME NO. 1066/2015 OF
PALAKKAD TOWN SOUTH POLICE STATION,
PALAKKAD DISTRICT).**

BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

K. ABRAHAM MATHEW, J.

B.A. No.4603 of 2015

Dated this the 10th day of August 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.1066 of 2015 of Palakkad Town South Police station registered for the offences under Secs.120B and 420 read with Sec.34 of the Indian Penal Code. The petitioner obtained a loan from the first informant Employees Co-operative Society of District Police Department, Palakkad for construction of a house. The allegation is that he constructed the building on a plot other than the one in respect of which he availed the loan.

3. Heard both sides.

4. It is seen from Annexure-II letter of the Joint Registrar of Co-operative Society, Palakkad that the loan was sanctioned after complying with the prescribed procedure. It is also mentioned that the property in respect of which the loan was taken and the neighbouring

property in which the petitioner allegedly constructed the building lie as a contiguous plot without any demarcation. The petitioner has repaid the entire amount as seen from Annexure-III. Having regard to these facts, I am inclined to grant his prayer.

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 twenty five thousand only) 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 the one, file an affidavit to that effect.

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

4) He shall not destroy or tamper with evidence nor shall he get himself involved in any other criminal case.

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

6) 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 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 /

NS

P.A. To Judge