

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

Bail Appl..No. 4611 of 2015 ()

**CRIME NO. 818/2015 OF PALAKKAD TOWN NORTH POLICE STATION,
PALAKKAD DISTRICT**

APPLICANT/ACCUSED:

**RAKESH ALIAS MANI, AGED 40 YEARS,
S/O.BALACHANDRAN, AMMINI NILAYAM,
KARNAKI NAGER, CADAKKANTHARA, PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

K. ABRAHAM MATHEW, J.

B.A. No.4611 of 2015

Dated this the 6th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.818 of 2015 of Palakkad Town North Police Station, Palakkad District. He is alleged to have committed the offences under Sections 420, 468, 471 of Indian Penal Code and Sections 3, 13 and 17 of the kerala money Lenders Act. The prosecution case is that he conducting money lending business without a licence and he cheated the first informant who had borrowed Rs.2,50,000/- (Rupees Two lakhs fifty thousand only) from him in 2003. On the strength of the power of attorney allegedly obtained from the first informant the first accused executed a sale deed in favour of the petitioner in 2005. The petitioner sold the property to the third accused in 2007.

4. The prosecution alleges that the power of attorney was created on a stamp paper in which the petitioner had obtained the first informant's signature in

blank.

5. Heard.

6. The transaction took place in 2003. Thereafter, two sale deeds were executed in 2005 and 2007. The police was informed of the incident only in 2015. There is an inordinate delay in informing the police. The question whether the transactions were genuine or not can be answered only after the investigation. So I am inclined to grant his prayer.

In the result, this 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) 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 a.m to 11 a.m every Wednesday for three months or till the final report is filed whichever is earlier.

3. He shall not get himself involved in any other criminal case while he is on bail.

4. He shall not intimidate or attempt to influence the witnesses.

5. He shall not destroy or tamper with the evidence.

6. 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.

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

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with 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

R.AV

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PA to Judge