

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

Bail Appl..No. 4649 of 2015 ()

(CRIME NO. NOT KNOWN OF KOYILANDY POLICE STATION, KOZHIKODE)

PETITIONER/ACCUSED:

GANESH @ GANESAN, AGED 49 YEARS,
S/O. NARAYANAN, VALIYAVAYALIL HOUSE, VIYYUR,
KOLLAM.

BY ADV. SMT.K.DEEPA (PAYYANUR)

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. THE STATION HOUSE OFFICER,
KOYILANDY, KOZHIKODE.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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K. ABRAHAM MATHEW, J.

B.A. No.4649 of 2015

Dated this the 7th day of August 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sec.420 of the Indian Penal Code and Secs.3 and 17 of the Kerala Money Lenders Act. The petitioner made a promise that he would get a loan of Rs.50,000/- (Rupees fifty thousand only) for the first informant and took from him signed blank cheque, signed blank stamp paper and signed plain paper and gave him Rs.50,000/- (Rupees fifty thousand only). Later, he made false entries in the cheque and other documents and filed a complaint against the first informant under Sec.138 of the Negotiable Instruments Act. The first informant was acquitted by the trial court.

3. Heard both sides.

4. The transaction took place a few years ago. Complaint under Sec.138 of the Negotiable Instrument Act was filed in 2013. The First Information Statement in

this case was given only in 2015. Having regard to these facts, I am inclined to grant the prayer of the petitioner.

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) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) The petitioner 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 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.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge