

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Bail Appl..No. 4716 of 2015

CRIME NO. 581/2015 OF KUMILY POLICE STATION , IDUKKI

PETITIONER(S)/ACCUSED A1 TO A3:

1. LEKHA SOMANATHAN, AGED 43 YEARS,
W/O.SOMANATHAN, PLASERIYIL HOUSE, KOLLAMPATTADA,
KUMALI VILLAGE, PEERUMEDU TALUK, IDUKKI DISTRICT.
2. SAUMYA T.K., AGED 33 YEARS,
D/O.THANKAPPAN, KUTTIYATH HOUSE, CHENKARA KARA,
KUMALI VILLAGE.
3. JUMAILATH, AGED 27 YEARS,
W/O.SATHEESH, NEDUMTHANATH HOUSE, KUMALI KARA,
KUMALI VILLAGE.

**BY ADVS.SRI.SAIBY JOSE KIDANGOOR
SRI.K.ANAND
SRI.LAIJU RAM**

RESPONDENT(S)/STATE & COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. THE STATION HOUSE OFFICER,
KUMALI POLICE STATION, IDUKKI DISTRICT-685 531.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

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B.A.No. 4716 of 2015

Dated this the 13th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No. 581 of 2015 of Kumali Police Station. They are said to have committed the offences under Sections 408, 418, 420, 464, 458 and 34 of the Indian Penal Code. The prosecution case is that they were collection agents of the first informant company. It is alleged that they collected amounts between Rs.15,000/- and Rs.25,000/- from the borrowers of the company, but failed to remit the amounts.

3. Heard.

4. It is seen from the documents produced by the petitioners that there was a dispute between them and the *de facto* complainant regarding payment of the amounts. It is yet to be ascertained whether they had any dishonest intention in not remitting the amounts. So, I am inclined to grant their prayer.

In the result, this application is allowed.

1) The petitioners shall be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this

case.

- 2) *They shall surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.*
- 3) *They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 4) *They shall appear before the Investigating Officer for interrogation if they are so required by him in writing.*
- 5) *They shall not intimidate or attempt to influence the witnesses.*
- 6) *They shall not destroy or tamper with evidence.*
- 7) *They shall not get themselves involved in any other criminal case while they are on bail.*

If the petitioners surrender 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

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P.A. To Judge