

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Bail Appl..No. 4750 of 2015 ()

CRIME NO. 1497/2014 OF KILIKOLLOOR POLICE STATION, KOLLAM DISTRICT

PETITIONER/ACCUSED NO.2 :

**SANKARA NARAYANA BHATT
AGED 37 YEARS, S/O. GANAPATHI BHATT,
REGIONAL MANAGER, KOTAK MAHINDRA BANK LIMITED,
FIRST FLOOR, VALLANAT BUILDING, 40/9806-9810,
NEAR SEEMATTI, M.G ROAD, KOCHI
RESIDING AT BHAVANI HSG CO-OPERATIVE SOCIETY LTD
T BLOCK, BANASANKARI, BANGALORE.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENTS/STATE :

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

**2. SUB INSPECTOR OF POLICE,
KILIKOLLOOR POLICE STATION, KOLLAM.**

R1 & R2 BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

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B.A.No. 4750 of 2015

Dated this the 12th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No. 1497 of 2014 of Kilikolloor Police Station. He is alleged to have committed the offences under Sections 409 and 420 of the Indian Penal Code. He is working as Manager of the Kotak Mahindra Bank Limited. It sold in public auction two vehicles under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act). The victim was the successful bidder. He paid the amount in full. The allegation is that the accused did not deliver the vehicles to him.

3. Heard.

4. Learned counsel for the petitioner submits that there was no refusal on the part of the accused to deliver the vehicles; the first informant did not take delivery of the vehicles; the petitioner is ready to effect delivery of the vehicles. So, I am inclined to grant the prayer of the petitioner.

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 for interrogation if he is so required by him in writing.*
- 5)The petitioner shall hand over the vehicles to the Investigating Officer between 10 a.m. and 11 a.m. on 19.08.2015 along with the sale certificates and other documents. The Investigating Officer shall inform the first informant about it and file a report before the learned Magistrate concerned. He shall also inform the first informant that he may file an application under Section 457 of the Cr.P.C. before the learned Magistrate for the custody of the vehicles.*
- 6)He shall not intimidate or attempt to influence the witnesses.*
- 7)He shall not destroy or tamper with evidence.*

8)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

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P.A. To Judge