

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

Bail Appl..No. 4772 of 2015 ()

**CRIME NO. 1086/2012 (CBCID CRIME NO. 101/CR/EOW 1/KLM/2013)
OF POOJAPPURA POLICE STATION**

PETITIONER(S)/PETITIONER/5TH ACCUSED:

**PALASH KUMAR CHANDA, AGED 30 YEARS
S/O BABUL KUMAR CHANDA, 254, LAKNATH BHAVAN
KALIKAPUR, BARASAT.P.O, KOLKATA).**

**BY ADVS.SRI.PIRAPPANCODE V.S. SUDHEER
SRI.JELSON J. EDAMPADAM**

RESPONDENT(S)/RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
OFFIC OF THE ADVOCATE GENERAL, HIGH COURT BUILDING
ERNAKULAM(THE DEPUTY SUPERINTENDENT OF POLICE
EOW SUB UNIT, ASHRAMAM, KOLLAM).**

BY PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

Bail Appl. No.4772 of 2015

Dated this the 1st day of September 2015

O R D E R

Petition filed under Sec.439 Cr.P.C.

2. Petitioner is the 5th accused in CBCID Crime No.101/Cr/EOW-1/KLM/2013 registered for the offences under Secs.120B and 420 read with Sec.34 of the Indian Penal Code and Sec.66(A)(b)(c) of the Information Technology Act. The prosecution case in short is that one Rajeev Kumar, a military personnel, received a message on his mobile phone that he had won Rs.25,00,000/- (Rupees twenty five lakhs only). On taking instructions from the accused, he was directed to deposit Rs.7,50,000/- (Rupees seven lakhs fifty thousand only) in various bank accounts including one in the name of the petitioner. It is alleged by the prosecution that this actually resulted in cheating the defacto complainant by violating the provisions of Information Technology Act. The petitioner pleaded innocence.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. The petitioner was arrested on 16.07.2015. The investigation has advanced to a considerable extent.

5. However, the learned Public Prosecutor while opposing the bail application submitted that the petitioner is presently hailing from West Bengal and if he is enlarged on bail, he is likely to flee from justice and make himself unavailable for trial.

Considering all aspects, bail is granted to the petitioner with the following strict conditions.

i. The petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The petitioner shall appear before the

Investigating Officer between 10.00 a.m. and 11.00 a.m. on the first day of every calender month until the final report is filed.

iv. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

v. The petitioner shall not involve in any offence during the period of bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge