

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Bail Appl..No. 4896 of 2015

CRIME NO. 285/2015 OF SANTHANPARA POLICE STATION, IDUKKI DISTRICT.
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PETITIONER/ACCUSED:

C.T.BIJU, S/O.THANKAPPAN, AGED 43 YEARS,
RESIDING AT CHERIMALA HOUSE,
NANDIKKARA KARA, NANDIKKARA P.O.,
PARAPPUKKARA VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT, PIN: 680 301.

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI 31.

*ADDL. R2 IMPEADED

2. BABU, AGED 43, CHARUVILA PUTHEN VEEDU,
THATTATHUMALA.P.O., CHIRAYINKEEZHU,
THIRUVANANTHAPURAM DISTRICT.

ADDL. R2 IS IMPEADED AS PER ORDER DATED 14.9.2015
IN CRL.M.A.9172/2015 IN BA.4896/2015.

R1 BY PUBLIC PROSECUTOR SMT.R.REMA
ADDL.R2 BY ADV. SRI.SUNNY ZACHARIAH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

A. HARIPRASAD, J.

Bail Appl. No.4896 of 2015

Dated this the 28th day of September 2015

ORDER

Petition filed under Sec.438 Cr.P.C.

2. Petitioner seeks pre arrest bail in Crime No.285 of 2015 of Santhanpara Police station registered for the offences punishable under Secs.420 and 468 of the Indian Penal Code.

3. Heard the learned counsel for the petitioner, the defacto complainant and the learned Public Prosecutor.

4. A private complaint was filed before the learned Magistrate having jurisdiction against the petitioner alleging the aforesaid offences. As a Poojari, the petitioner got acquaintance with the defacto complainant and made him to believe that some property can be sold through him and thereby, he could acquire properties at Sathanpara for a fair price. Lured by the promises, the defacto complainant transferred his property to the name of one George. Thereafter, contrary

to the agreement between the parties, the property was transferred to the joint names of the petitioner and the defacto complainant. Thereby, he has committed the offence. The petitioner sold away the property thereafter.

5. This Court as per order dated 27.07.2015 in B.A. No.3992 of 2015 considered the entire matters at length and dismissed the anticipatory bail application filed by the petitioner. The only question arises for consideration is whether there is any change of circumstances warranting fresh consideration of the application under the extra ordinary jurisdiction of Sec.438 Cr.P.C.

After hearing the learned counsel for the petitioner, the defacto complainant and the learned Public Prosecutor, I am of the view that the bail application can be disposed of with the following directions.

The petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation.

Thereafter, the investigating officer shall produce the petitioner before the learned Magistrate having jurisdiction on the date of surrender itself. The petitioner is free to move application for regular bail before the learned Magistrate. In that event, the learned Magistrate shall consider the application on merits and pass orders as expeditiously as possible, if possible on the date of surrender itself.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge