

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Bail Appl..No. 5175 of 2015 ()

CRIME NO. 196/2014 OF GANDHINAGAR POLICE STATION,KOTTAYAM DISTRICT

PETITIONERS/ACCUSED:

1. **EMIL K.JOHN, AGED 41 YEARS,S/O.A.S.JOHN,
KALLADANTHIYIL, KOOHATTUKULAM,
ERNAKULAM DISTRICT.**
2. **ARUN KRISHNAN, AGED 35 YEARS,
S/O.ANANTHAKRISHNAN, ARUN NIVAS, WEST FORT,
MAVELIKARA, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENTS & STATE:

1. **STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
(CRIME NO.196/2014 OF GANDHINAGAR POLICE STATION,
KOTTAYAM DISTRICT).**
2. **STATION HOUSE OFFICER,
GANDHINAGAR POLICE STATION, KOTTAYAM DISTRICT-686 008,
(CRIME NO.196/2014 OF GANDHINAGAR POLICE STATION,
KOTTAYAM DISTRICT).**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

A.HARIPRASAD, J.

B.A.No.5175 of 2015

Dated this the 7th day of September, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.196 of 2014 of Gandhinagar Police Station, Thiruvananthapuram registered for the offences punishable under Sections 406 and 420 r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that *de facto* complainant approached the petitioners to arrange a medical seat for his daughter and entrusted to ₹25,00,000/- to the concern run by the petitioners. Later, the student opted to go to some other College and the *de facto* asked for return of money. Petitioners could not pay money promptly as he had already paid the amount to the College authority.

4. Heard the learned counsel for the petitioners and learned Public Prosecutor.

5. Learned counsel for the petitioners submitted that the petitioners are prepared to give back the money. Only hurdle is that they had to arrange money and get

the amount paid by the person to whom it was entrusted.

6. Considering the nature of allegations, I find that custodial interrogation may not be necessary in this case. Hence, I am inclined to grant anticipatory bail to the petitioners with the following conditions:

(a) Petitioners shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on executing a bond for ₹25,000/- (Rupees Twenty Five Thousand Only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

(b) The petitioners shall appear before the Investigating Officer as and when required for the purpose of interrogation.

(c) The petitioners shall co-operate with the investigation of the case.

(d) The petitioners shall not intimidate or influence the witnesses or meddle with the investigation in any manner.

(e) Petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge