

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

Bail Appl..No. 5193 of 2015

CRIME NO. 446/2015 OF CHELAKKARA POLICE STATION, THRISSUR DISTRICT.
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APPLICANTS/ACCUSED:

1. **SREEVALSA SETHUMADHAVAN,**
AGED 56 YEARS, LAKSHMI NIVAS,
KURUMALA, CHELAKKARA,
THRISSUR.
2. **A.M.JOSEPH, AGED 72 YEARS,**
S/O.MATHAI, ALAKKULAM HOUSE,
KILLIMANGALAM, THALAPPILLY.
3. **A.K.JANARDHANAN, AGED 80 YEARS,**
KEERTHIYIL HOUSE, KONDAZHI,
WADAKKANANCHERRY.

BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADVS.SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

A.HARIPRASAD, J.

B.A. No.5193 of 2015

Dated this the 4th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are the accused in Crime No.446 of 2015 of Chelakkara Police Station registered under Sections 406 and 420 read with Section 34 of the Indian Penal Code. Prosecution case, in brief, is that the accused who are partners of Sumangalam Kuries, Chelakkara received deposits from persons promising to give attractive rate of interest. Thereafter the concern went into loss and the depositors lost their money.

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

4. Learned counsel for the petitioner submitted that managing director of the concern misappropriated all the money and he absconded. Petitioners are innocent, according to them.

5. Learned Public Prosecutor opposed the bail application.

6. Considering the nature of allegations, I am of the view that custodial interrogation is not necessary in this matter. However, the petitioners themselves should co-operate with the investigation. Therefore, the petition is allowed with the following directions:

i. Petitioners shall appear before the investigating officer within a period of two weeks and submit themselves for interrogation. Thereafter each one of them shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail in Crime No.446 of 2015 of Chelakkara Police Station.

ii. Petitioners shall appear before the Investigating Officer as and when directed for the purpose of investigation in the matter.

iii. They shall not influence or intimidate the witnesses.

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

A. HARIPRASAD, JUDGE.

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