

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Bail Appl..No. 5253 of 2015

CRIME NO. 1934/2014 OF MATHILAKOM POLICE STATION , TRISSUR

PETITIONER(S)/ACCUSED 4 AND 5:

1. MUHAMMED ASHRAF AGED 56 YEARS
S/O. ABDUL KAREEM, KALLUNGAL HOUSE, PULLOT VILLAGE
KODUNGALLUR TALUK, THRISSUR DISTRICT.
2. ABDUL SALAM, AGED 48 YEARS
S/O. ABDUL KAREEM, KALLUNGAL HOUSE, PULLOT VILLAGE
KODUNGALLUR TALUK, THRISSUR DISTRICT.

BY ADV. SRI.C.R.SANISH

RESPONDENT(S)/STATE :

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031
REPRESENTED BY THE (SUB INSPECTOR OF POLICE
MATHILAKAM POLICE STATION, THRISSUR DISTRICT).

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

RAJA VIJAYARAGHAVAN.V. J

B.A.5253 of 2015

Dated 19th October, 2015

ORDER

- 1.This petition is filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.
- 2.The petitioners herein are accused Nos.4 and 5 in crime No.1934 of 2014 of Mathilakam police station, Thrissur.
- 3.The allegation is that the petitioners along with other accused, had made false promises and induced the de facto complainant to hand over a sum of Rs.6,00,000/- to M/s. Fancy Chemicals and Fragrance Pvt. Ltd., a Firm of which petitioners are partners and also obtained certain documents on the basis of false representations. The amount was not re-paid and therefore, the informant had filed a complaint before the learned Magistrate which was referred to the police

for investigation.

4.I have heard the learned counsel appearing for the petitioners as well as the learned Public Prosecutor.

5.The learned counsel for the petitioners submitted that several crimes were registered as against the petitioners and others and in most of the cases, final report was laid. It is also submitted that accused Nos.2 and 3 in the aforesaid crime have been granted anticipatory bail by this Court as per order dated 7.7.2015 in B.A.2126 of 2015. It appears from the above facts that detention of the petitioners is not required for effective investigation and I am of the considered view that bail can be granted subject to the following conditions.

(i).The petitioners shall be released on bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum if they

are arrested by the police in connection with this case.

(ii).The petitioners shall surrender their passports before the lower concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.

(iii). The petitioners shall not leave India without the previous permission of the Court of enquiry or trial court as the case may be.

(iv). They shall appear before the Investigating Officer as and when directed.

(v). They shall not intimidate or attempt to influence the witnesses.

(vi). They shall not destroy or tamper with evidence.

(vii). They shall not get themselves involved in any other criminal case while they are on bail.

If the petitioners surrender 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.

The Bail application is disposed of as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True copy//

P.S. To Judge