

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. 5528 of 2015 ()

CRIME NO. 868/2011 OF VAIKOM POLICE STATION, KOTTAYAM DISTRICT

PETITIONER/ACCUSED :

**P.K. KURIAKOSE, AGED 49 YEARS
S/O. KURIAKOSE, PAZHAYAMADHOM, VALLAKOM
NADUVILE VILLAGE, VAIKOM TALUK, KOTTAYAM DISTRICT**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.NANDAGOPAL S. KURUP**

RESPONDENTS/DEFACTO-COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM – 682 031.**

***ADDL. R2 IMPEADED**

***ADDL.R2. M/S. PATEL REAL ESTATE DEVELOPERS PVT.LTD.,
REPRESENTED BY ITS DIRECTOR, DOOR NO. 6280
PALARIVATTOM, KOCHI – 682 085
REPRESENTED BY ITS DIRECTOR MR. BALAGOPAL
AGED 63, S/O. LATE DR. BASKARANUNNI
GOKULAM, MEC ROAD, THRIKAKKARA,
KOCHI – 21.**

***ADDL. R2 IS IMPEADED AS PER ORDER IN CRL.M.A NO. 9534/2015
DATED 28/09/2015.**

**R1 BY PUBLIC PROSECUTOR SMT. R. REMA
ADDL.R2 BY ADV. SRI.J.ABHILASH**

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

Mn

A.HARIPRASAD, J.

B.A No.5528 of 2015

Dated this the 28th day of September, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.868 of 2011 of Vaikom Police Station registered for offences punishable under Sections 420, 405, 409, 464 and 468 I.P.C.

3. A private complaint was filed by the defacto complainant before the J.F.C.M Court, Vaikkom alleging the said offences, which was forwarded for investigation under Section 156(3) Cr.P.C. Thereafter, the crime was registered.

4. Heard the learned counsel for the petitioner and the defacto complaint. Learned Public Prosecutor is also heard.

5. It is brought to my notice that this court as per order on B.A No.1649/2012 dated 23-03-2012 considered the plea of the petitioner and disposed of the same by recording the submission of the learned Public Prosecutor that the petitioner was not required to be arrested at that time. Grievance of the petitioner is that he is unnecessarily entangled in a false case. Petitioner admittedly was a

commission agent of the defacto complainant company and agreed to procure land for a fixed price. It is his case that he procured the land as stipulated in the agreement and in fact the company acted against his interest for which another complaint had been filed by him which is pending. Reckoning the relationship between the parties and the existence of case and counter case between the parties, following directions are made :

1. Petitioner shall surrender before the investigating officer within a period of one week from today and submit himself for interrogation. In that event, he shall be released on bail on 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 Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency.
3. Petitioner shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation in the matter.

4. Petitioner shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

amk

P.A to Judge