

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Bail Appl..No. 5634 of 2015 ()

**CRIME NO. 672/2015 OF CHAVAKKAD POLICE STATION,
TRISSUR DISTRICT**

PETITIONER/ACCUSED :

**NOORDHEEN, S/O.SULAIMAN, AGED 60 YEARS,
KOTTAPURATH HOUSE, THIRUVATHRA, MANATHALA
CHAVAKKAD TALUK THRISSUR DISTRICT.**

BY ADV. SRI.RAJIT

RESPONDENT :

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

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.5634 of 2015

Dated this the 30th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner seeks pre-arrest bail in Crime No.672 of 2015 of Chavakkad Police Station registered for an offence punishable under Section 420 of the Indian Penal Code.

3. Case arise out of a private complaint which was forwarded for investigation to the Police. It is alleged that the petitioner in violation of an agreement dated 22.02.2011 committed breach of his obligations and thereby cheated the defacto complainant.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the defacto complainant is brother of the petitioner. Due to monitory disputes between the parties, the defacto complainant committed certain offences earlier and Chavakkad Police registered Crime No.262 of 2014 against him for offences punishable under Sections 448, 341, 323, 294(b) and 506(i) of the Indian Penal Code. In retaliation of that case, a false complaint is filed and he is now sought to be entangled in a non-bailable offence.

After hearing both sides and perusing the materials in the case

diary, pre-arrest bail is granted to the petitioner with following conditions:

i. Petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation. Thereafter he shall execute a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in Crime No.672 of 2015 of Chavakkad Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Petitioner shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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