

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 5818 of 2015

CRIME NO. 741/2015 OF HOSDURG POLICE STATION, KASARAGOD DISTRICT.
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PETITIONER/ACCUSED:

**S.P.SHAJI, AGED 39 YEARS,
S/O.S.K.PILLAI AND PARVATHI,
NEAR S.N.D.P. OFFICE, PUTHIYAKOTTA,
HOSDURG VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI.K.P.HARISH

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.741 OF 2015 OF HOSDURG POLICE STATION)
KASARAGOD DISTRICT - 671 313.**

BY PUBLIC PROSECUTOR SMT.MADHU BEN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

RAJA VIJAYARAGHAVAN V, J.

B.A.No.5818 of 2015

Dated this the 15th day of October, 2015

O R D E R

This is an application for anticipatory bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioner is the accused in Crime No.741/2015 of Hosdurg Police Station registered for offence punishable under S.420, 379, 506(ii) of the IPC.

3. The allegation is that, the petitioner had assured the informant that he would arrange the distribution agency of M/s Pathanjali Swedeshi Distribution Company and induced her to provide him with 15 sovereigns of gold ornaments and also obtained Rs.9.5 lakhs by way of cash. It is further alleged that the petitioner had stolen the cheque book of the de facto complainant and issued cheque leafs to

various persons and caused financial loss to her.

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

5. The learned counsel has produced Annexure A2 certificate of registration in Form No.1A issued by the Commercial Tax Officer, Hosdurg revealed the fact that the informant is the distributor of M/s Pathanjali Swedeshi Distribution Company since the year 2014. It was argued on its basis that the allegation in the First Information Report that the petitioner had obtained money by inducing her and by assuring that the Distribution Agency would be provided to her is false. The learned counsel has also produced Annexure A4, report of proceedings of the Kerala State Human Rights Commission, Thiruvananthapuram initiated at the instance of the petitioner wherein the Deputy Superintendent of Police, Hosdurg was directed not to

harass the petitioner and family members in connection with any complaint filed as against him by the informant.

6. After going through the materials, I am of the considered view that this is not a case wherein custodial interrogation of the petitioner is required. There are disputes between the petitioner as well as the first informant relating to commercial matters and in view of the above, I am of the considered view that the extraordinary relief for anticipatory bail can be granted to the petitioner subject to the following conditions:

- i). The petitioner shall be released on bail after interrogation on his executing a bond for 25,000/- with two solvent sureties for the like sum in the event of his arrest by the Police in connection with this case.
- ii). The petitioner shall not directly or indirectly make any inducement, threat or

promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.

iii). The petitioner shall make himself available for interrogation as and when required by the investigating officer.

iv). The petitioner shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioner shall not commit any similar offence while on bail.

vi). The petitioner shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in

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accordance with law.

This application is allowed as above.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge