

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Bail Appl..No. 5843 of 2015

CRIME NO. 771/2015 OF MARADU POLICE STATION , ERNAKULAM DISTRICT

PETITIONER(S)/3RD ACCUSED :

**VIJOY A.V.,
S/O.VENU, ALLAPARAMIL, CHERAI,
PALLIPURAM VILLAGE, ERNAKULAM-683 514.**

**BY ADVS.SRI.K.M.FIROZ
SRI.NIDHI BALACHANDRAN**

RESPONDENT(S)/STATE AND COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
MARAUD POLICE STATION, ERNAKULAM-682 017.**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.5843 of 2015

Dated this the 29th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. 3rd accused in Crime No.771 of 2015 of Maradu Police Station registered for offences punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code seeks pre-arrest bail .

3. It is alleged that the petitioner while working as an employee of Amruthasree Chitties, induced certain persons to join chitty funds. Later the subscribers could not realise money as the firm was closed down. First accused is the owner of the firm who is in custody now.

4. Heard both sides.

5. According to the learned counsel, petitioner is only an employee drawing a monthly salary of ₹12,000/-. Learned Prosecutor submitted that there are other cases of the same nature against the petitioner. It is also submitted that the computers and other materials relating to the transactions will have to be recovered.

Considering the nature of allegations and the facts and circumstances, I am not inclined to think that custodial interrogation is necessary. Hence the following order:

i. Petitioner shall surrender before the investigating officer within a period of one week and submit himself for interrogation. Thereafter he 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, he shall be released on bail in Crime No.771 of 2015 of Maradu 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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