

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Bail Appl..No. 6580 of 2015 ()

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CRIME NO. 749/2015 OF KODAKARA POLICE STATION.**

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PETITIONER/ACCUSED:

**SIJO JOSEPH, AGED 32 YEARS,
S/O. JOSEPH, KIDANGATHU KAROTTU HOUSE,
MANIYAMKUNNU, POONJAR THEKKEKARA VILLAGE,
MEENACHIL TALUK, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.BABY THOMAS,
SRI.K.D.ZACHARIAS,
SRI.K.ANIL JOSEPH.**

RESPONDENTS/COMPLAINANT & STATE:

- 1. SUB INSPECTOR OF POLICE,
KODAKARA POLICE STATION,
THRISSUR DISTRICT, PIN- 680 684.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.6580 of 2015

Dated this the 23rd day of November, 2015

ORDER

Application for bail under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the second accused in Kodakara Police Station Crime No.749 of 2014 registered for offences punishable under Sections 406 and 420 of the Indian Penal Code and Sections 17 and 18A of the Kerala Money Lenders Act, 1958. He seeks pre-arrest bail.

3. Prosecution case, in short, is that accused 1 to 3 made the defacto complainant believe that if latter's land had been given as security, share of profits in the business to be started by the accused would be given to the defacto complainant. On 12.09.2014 the defacto complainant was caused to execute some documents and thereby the accused have cheated him is the prosecution allegation.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner has no connection with the alleged crime.

6. Learned Prosecutor submitted that the learned Sessions

Judge, Thrissur has granted anticipatory bail to the first accused in the case.

Considering the nature of allegations, following directions are issued:

i. In the event of arrest in Crime No.749 of 2015 of Kodakara Police Station, petitioner shall be released on bail on executing a bond for ₹25,000/- (Rupees Twentyfive thousand only) with two solvent sureties each of the like sum to the satisfaction of the investigating officer.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

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

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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