

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Bail Appl..No. 6705 of 2015

CRIME NO. 1133/2015 OF VENGARA POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S) :

**ABDUL GAFOOR @ FAYAS, AGED 30 YEARS,
S/O.MOOSA, UTHANVATTATHODI HOUSE, MUTHUVINPARAMBU,
KILINAKKOD, CHERUR POST, MALAPPURAM DISTRICT.**

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM, PIN-682 031.**
- 2. SUB INSPECTOR OF POLICE,
VENGARA POLICE STATION, VENGARA,
THIRURANGADY TALUK, MALAPPURAM DISTRICT, PIN- 676 304.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.6705 of 2015

Dated this the 2nd day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Accused in Crime No.1133 of 2015 of Vengara Police Station registered for an offence punishable under Section 409 of the Indian Penal Code seeks pre-arrest bail.

3. Prosecution case is that the petitioner while working in the quarry run by the defacto complainant dishonestly appropriated amounts to the tune of ₹90 lakhs every year from July 2011 to December, 2014.

4. Heard the learned counsel for the petitioner and the learned Prosecutor.

5. Learned counsel for the petitioner submitted that till 2011, the petitioner was working as a writer in the quarry. The case that every year he misappropriated ₹90 lakhs is highly artificial and imaginative, contended the learned counsel for the petitioner. Further, there are lot of criminal complaints pending against the defacto complainant and his son. On account of this action, the defacto complainant and his family are inimical towards the petitioner and his brother.

Considering the nature of allegations, I do not find any need to

have a custodial interrogation. Hence the following order:

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.1133 of 2015 of Vengara Police Station.

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