

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 6914 of 2015 ()

CRIME NO. 1207/2015 OF MALA POLICE STATION, THRISSUR DISTRICT.

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PETITIONER/ACCUSED:

**T.I. PAUL, AGED 54 YEARS,
S/O. ITTIKURIAN, THEKKINIYATH (H),
P.O. MALA, PIN:680 732, VADAMA VILLAGE,
CHALAKUDY TALUK, THRISSUR DISTRICT,
KERALA, INDIA.**

BY ADV. SRI.FRANCO T.J.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
MALA POLICE STATION, THRISSUR DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
COCHIN-682 031.**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A. HARIPRASAD, J.

Bail Appl. No.6914 of 2015

Dated this the 17th day of November 2015

ORDER

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the sole accused in Crime No.1207 of 2015 of Mala Police station registered for the offences punishable under Secs.406, 408, 417 and 420 of the Indian Penal Code. Prosecution case is that, the petitioner, while working as the Managing Partner of a firm engaged in chitty business, misappropriated certain amounts causing loss to the firm.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Learned counsel for the petitioner submitted that the defacto complainant as per Annexure-1, lawyer notice, demanded dissolution of the firm. In fact, the firm was running on loss. The petitioner is not liable for any criminal action as the partnership deed itself provides for an arbitration to settle the disputes between the partners. The criminal complaint is filed without any legal

justification is the contention of the petitioner.

Having heard the learned counsel on both sides, I am of the view that custodial interrogation of the petitioner is not necessary for effective investigation. Hence, following directions are issued.

1. In the event of arrest in Crime No.1207 of 2015 of Mala Police station, the petitioner shall be released on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer making the arrest.

2. The petitioner shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

3. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

4. The petitioner shall co-operate with investigation of the case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/17/11/2015

P.A. To Judge