

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Bail Appl..No. 6985 of 2015 ()

**CRIME NO. 2534/2015 OF KOTTARAKKARA POLICE STATION,
KOLLAM DISTRICT**

PETITIONER/ACCUSED NO. 1 TO 3 :

- 1. RAJESH SIVASANKARA PILLAI,
S/O. SIVA SANKARA PILLAI, SREE MANGALAM,
KIZHEKKARA, KOTTARAKKARA.**
- 2. MEENAKSHI,
W/O. RAJESH SIVASANKARA PILLAI, SREE MANGALAM
KIZHEKKARA, KOTTARAKKARA.**
- 3. SIVASANKARA PILLAI, AGED 76 YEARS,
SREE MANGALAM, KIZHEKKARA, KOTTARAKKARA.**

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.DINNY THOMAS**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.6985 of 2015

Dated this the 13th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Accused 1 to 3 in Kottarakkara Police Station Crime No.2534 of 2015 alleging an offence punishable under Section 420 of the Indian Penal Code, now investigated by District Crime Records Bureau, Kollam are the petitioners. They seek pre-arrest bail.

3. Prosecution case is that the petitioners promised to one Brijesh who is a businessman abroad that the latter would be made a partner in a shopping mall to be built at Kottarakkara. For that purpose the petitioners received huge amounts by way of cheques and later it was revealed that the petitioners were cheating the defacto complainant.

4. Heard both sides.

5. Learned Senior Counsel appearing for the petitioners submitted on the basis of the documents produced that there was some business transactions between the first petitioner and one Brijesh residing abroad and in connection with those transactions, some cheques were issued. It is also submitted that the defacto complainant has no privity of contract.

Considering the nature of allegations, I am of the view that

custodial interrogation of the petitioners is not necessary. Hence the following order:

i. Petitioners shall surrender before the investigating officer within a period of one month and submit themselves for interrogation. Thereafter they shall execute a bond for ₹50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail in Crime No.2534 of 2015 of Kottarakkara 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. Petitioners shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. They 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 petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

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