

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

Bail Appl..No. 6928 of 2014 ()

CRL,MC 1131/2014 of SESSIONS COURT,KOZHIKODE
CRIME NO. 292/2014 OF ELATHUR POLICE STATION , KOZHIKODE

PETITIONER/ACCUSED:

PRASANTH, AGED 45 YEARS
S/O.VIJAYARAGHAVAN, SRUTHI, 19/929
CHEMBAKASSERY COLONY, CHALAPURAM, KOZHIKODE DISTRICT

BY ADVS.SRI.ZAKEER HUSSAIN
SRI.V.TEKCHAND

RESPONDENT/COMPLAINANT/STATE:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERAL, KOCHI 31
2. SUB INSPECTOR OF POLICE,
ELATHUR POLICE STATION, KOZHIKODE DISTRICT 673 303

BY PUBLIC PROSECUTOR, SMT.SEENA RAMAKRISHNAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Bail Application No.6928 of 2014

Dated this the 3rd day of July 2015

O R D E R

The petitioner is the accused in Crime No.292/2014 of Elathur Police Station registered under Section 420 I.P.C.

2. The prosecution allegation is that the petitioner received an amount of Rs.4,50,000/- from the *defacto complainant* promising to secure a seat for the M.Tech course in Vellore Institute of Technology. However, the seat as promised was not arranged by the petitioner. The petitioner also did not repay the amount received by him.

The petitioner has filed this application praying for the relief under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has no serious objection in allowing the application.

5. It has been submitted by the learned Public Prosecutor that the petitioner is not involved in any other offence of similar nature. The *defacto complainant* is the husband of the nephew of the petitioner. It has been submitted by the learned counsel for the petitioner that the *defacto complainant* did not get admission for M.Tech course on the reason that the *defacto complainant* did not get through the B.Tech course in the first chance, which was a condition precedent to get admission for M.Tech

course in the Institute of Technology, Vellore. Considering the facts and circumstances of the case, including the fact that the petitioner is a first time offender, and also taking into consideration of the relationship between the parties, I am inclined to grant the relief under Section 438 Cr.P.C. in favour of the petitioner.

In the result, this application stands allowed and the respondents are directed to release the petitioner on bail in the event of his arrest in connection with Crime No.292/2014 of Elathur Police Station on condition of the petitioner executing a bond for Rs.30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Sub Inspector of Police, Elathur Police station before whom the petitioner shall

surrender within one month from today and subject to the following conditions:

(i) The petitioner shall deposit Rs.1,50,000/- (Rupees one lakh fifty thousand only) before the Sub Inspector of Police, Elathur Police station at the time of surrender itself.

(ii) The petitioner shall report before the Investigating Officer on every Monday between 9 a.m. and 11 a.m. for three months and thereafter, as and when required by the Investigating Officer for interrogation.

(iii) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(iv) The petitioner shall not get involved in any offence while on bail.

In the event of deposit of the amount by the petitioner as stated above, the Sub Inspector of Police shall deposit the said amount before the Magistrate Court concerned, on the date of deposit itself.

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**B.SUDHEENDRA KUMAR,
JUDGE**

dl

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/ PA TO JUDGE /