IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

Bail Appl..No. 7034 of 2015

CRIME NO. 1433/2015 OF ARANMULA POLICE STATION, PATHANAMTITTA
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PETITIONER(S)/1ST ACCUSED:
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BIJU MATHEW ABRAHAM,
S/O.MATHEW ABRAHAM, NANA VEETTIL,
PUTHEN PARAMBIL VEEDU, KOZHENCHERY.

BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.BENOJ C AUGUSTIN

RESPONDENT(S)/COMPLAINANT:
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STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-683 031.

BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

A.HARIPRASAD, J.

B.A. No.7034 of 2015

Dated this the 24th day of November, 2015

ORDER

Petitioner is the accused in Aranmula Police Station Crime No.1433 of 2015 registered under Sections 120B, 465, 468, 471, 420 and 406 read with Section 34 of the Indian Penal Code.

2. Prosecution case, in short, is that the defacto complainant and his family owned 42.48 acres of land in Kumily Village. He had availed a secured loan of rupees two crores from the UCO bank, Pathanamthitta. Accused 3 and 4 are the zonal manager and the branch manager of the bank. During 2011 to 2013 the accused dishonestly induced the defacto complainant to sell the property to accused 1 and 2 or to form a partnership for the purpose of farming and also to close the loan account. On 14.10.2013 an agreement for rupees four crores was executed between the defacto complainant and the accused at the residence of the first accused. On several occasions, the accused persons had obtained signed blank papers, stamp papers and cheque leaves from the defacto complainant. Thereafter they misused the same and created documents and thereby cheated the defacto complainant.

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

4. Learned counsel for the petitioner submitted that the petitioner is innocent. He has produced some records to show that he is not involved in any offence.

5. Learned Prosecutor submitted that in this case the petitioner is in custody from 20.10.2015 onwards. It is also submitted that he is involved in other crimes of a similar nature.

Considering the fact that petitioner is in custody for a long time and the investigation has advanced, I am inclined to grant bail to the petitioner as follows:

i. Petitioner shall be released on bail on executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

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 surrender his passport before the learned Magistrate forthwith. If he does not have the passport, he shall swear to an affidavit showing that fact and submit it before the learned

Magistrate having jurisdiction. If he has already surrendered the passport in any other case, he shall file an affidavit showing that fact.

iv. Petitioner shall appear before the Investigating Officer on all Mondays between 9.00 and 10.00 a.m until final report is filed.

v. He shall not indulge in any offence while on bail.

vi. He shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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