

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Bail Appl..No. 7036 of 2015 ()

**CRIME NO. 3069/2015 OF PERUMBAVOOR POLICE STATION,
ERNAKULAM DISTRICT**

PETITIONER/ACCUSED NO.1 :

**E.A. JAYAKUMAR, AGED 50 YEARS, S/O. AYYAPPAN PILLAI,
ETTIYEDATH KIZHAKKE PUTHENPURA, ELOOR SOUTH,
UDYOGAMANDAL P.O, ERNAKULAM DISTRICT - 683 501.**

**BY ADVS.SRI.M.RAMESH CHANDER (SR.)
SRI.ANEESH JOSEPH
SMT.DENNIS VARGHESE**

RESPONDENT/COMPLAINANT & STATE :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI 682 031.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A.No.7036 of 2015

Dated this the 26th day of November, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the 1st accused in Crime No.3069 of 2015 of Perumbavoor Police Station registered for the offences punishable under Sections 406 & 420 r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that the petitioner entertained an intention to cheat the defacto complainant. He represented that if the defacto complainant gave ₹35,00,000/- he could secure admission for his daughter to MBBS course in Amrita Medical College, Kochi. On 31.05.2013, the petitioner received ₹5,00,000/- by way of a cheque from the defacto complainant and appropriated the money. Thereafter, he introduced the second accused to the defacto complainant and caused to issue cheques worth ₹30,00,000/- .

4. Heard the learned Senior counsel for the

petitioner and learned Public Prosecutor.

5. Learned Senior counsel for the petitioner submitted that the petitioner has no connection with the Amrita Medical College and he was powerless to procure any seat. Further he did not deceive the defacto complainant as alleged. It is also submitted that all the alleged transaction could be proved through documents and therefore, no custodial interrogation is necessary.

6. Learned Public Prosecutor submitted that there was a civil litigation between the first accused and the second accused. The property of the first accused was attached in the case. Subsequently after taking money from the defacto complainant, the case was settled and the attachment was withdrawn. That indicates the close relationship between the first accused and the second accused.

7. Considering the nature of the allegations, the following directions are issued:

- (a) The petitioner shall surrender before the Investigating Officer within a period of

'two weeks' from today and submit himself for interrogation. Thereafter, he shall be released on bail on executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.

- (b) The petitioner shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) The petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the

investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. To Judge