

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Bail Appl..No. 7185 of 2015 ()

**-----
CRIME NO. 630/2009 OF OCHIRA POLICE STATION.**

.....

PETITIONERS/ACCUSED 2 TO 4:

- 1. ANKUR BATRA, W/O. BIJU ABRAHAM,
AGED 33 YEARS, AMRITHA NARESH BATHRA BUILDING,
SCO 106, 107, 108 SECTOR 17 D, CHANDIGARH.**
- 2. ANNAMMA, W/O. MATHEW ABRAHAM,
AGED 65 YEARS, NEDIYAN PARAMBIL PUTHEN VEEDU,
KOZHENCHERI EAST.**
- 3. MATHEW ABRAHAM, S/O. ABRAHAM MATHAI,
AGED 75 YEARS, NEDIYAN PARAMBIL PUTHEN VEEDU,
KOZHENCHERI EAST.**

**BY ADVS.SRI.NAGARAJ NARAYANAN,
SRI.SAIJO HASSAN.**

RESPONDENT/STATE:

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

BY SR. PUBLIC PROSECUTOR SRI.C. RASHEED.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-11-2015, ALONG WITH BA NO.7289 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. Nos.7185 & 7289 of 2015

Dated this the 19th day of November, 2015

COMMON ORDER

Oachira Police Station Crime No.630 of 2009 is registered under Sections 420 and 468 read with Section 34 of the Indian Penal Code. Petitioner in B.A.No.7289 of 2015 is the first accused and petitioners in B.A.No.7185 of 2015 are accused 2 to 4 in the above crime. First accused is in custody and others seek pre-arrest bail.

2. Prosecution case, in short, is that the first accused falsely represented to the defacto complainant that if the latter had invested money, he would purchase property in their joint name. First accused and the defacto complainant were doing business in USA at the material time. On that representation, altogether 6,50,000 US dollar was received by the first accused in which 2,25,000 U.S. dollar was returned contending that he could not purchase the property. The accused persons thereby cheated the defacto complainant.

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

4. Learned counsel for the petitioners contended that the entire prosecution case is false and no element of cheating is involved and that a civil dispute has been given the cloak of a criminal case.

5. Learned Prosecutor opposed the bail applications contending that the first accused was arrested in connection with a similar criminal case registered by the Aranmula Police and while in custody in that case, he was formally arrested on 12.11.2015. It is also submitted that the other accused are yet to be arrested.

Considering the entire materials, I am inclined to grant bail to the petitioners as follows:

B.A.No.7289 of 2015 is allowed with following conditions:

- i. 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. He shall surrender his passport forthwith.
- iv. Petitioner shall appear before the Investigating Officer

on all Saturdays 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.

B.A.No.7185 of 2015 is allowed with following conditions:

i. Petitioners (accused 2 to 4) are directed to surrender before the investigating officer within a period of two weeks and after interrogation, each one of them shall execute a bond for ₹1,00,000/- (Rupees one lakh only) 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.630 of 2009 of Oachira 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 surrender their passports before the learned Magistrate having jurisdiction within a period of one week from the date of execution of bond. If any of them does not have passport, he/she

shall swear to an affidavit showing that fact and submit it before the learned Magistrate having jurisdiction.

iv. Petitioners shall appear before the investigating officer as and when directed and co-operate with the investigation in the matter.

v. 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.

cks