

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937Q

Bail Appl..No. 7285 of 2015 ()

CRIME NO. 309/2015 OF MEPPAYOOR POLICE STATION, KOZHIKODE

PETITIONER/ACCUSED :

**RAJEESH KUMAR C.P.,
AGED 29 YEARS, S/O. RAMACHANDRAN NAMBIAR,
CHANGARAMBALATH HOUSE
NIRMALLOOR, PANANGADU, BALUSSERY.**

**BY ADVS.SRI.A.RAJASIMHAN
SRI.K.NIRMALAN**

RESPONDENT/STATE :

**STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE
MEPPAYOOR POLICE STATION, KOZHIKODE
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A.No.7285 of 2015

Dated this the 30th day of November, 2015

ORDER

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

2. Petitioner is the accused in Crime No.309 of 2015 of Meppayoor Police Station registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code and Section 76 of the Chits Fund Act.

3. Prosecution case is that the petitioner is the Managing Director of Sree Janatha Akshaya Chits Private Limited, Calicut. The chit fund was having 23 branches all over Kerala. It is alleged that the accused conducted chitty in which the defacto complainant was a subscriber. It is further alleged that in spite of paying the subscription in full, company did not repay his money and thereby committed cheating.

4. Heard both sides.

5. Considering the nature of the allegations, the fact that he was involved in series of cases and was in

custody for a long time and also the fact that this Court as per Order dated 24.11.2015 in B.A. No. 7294 of 2015, granted pre-arrest bail in another accused. I am inclined to grant anticipatory bail to the petitioner with the same conditions:

- (a) The petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. In that event, he shall be released on bail on executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.
- (b) The sureties shall produce documents to establish their identity and solvency. The Investigating Officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

- (c) The petitioner shall appear before the Investigating Officer on alternate Saturdays starting from 06.12.2015 between 10.00 a.m and 11.00 a.m., until the final report is filed.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.

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.

A.HARIPRASAD, JUDGE.

AS