

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. 7387 of 2015 ()

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CRIME NO. 2534/2015 OF KOTTARAKKARA POLICE STATION, KOLLAM DISTRICT.**

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PETITIONER/ACCUSED NO. 4:

**RAJASEKHARAN NAIR, AGED 68 YEARS,
S/O. RAMAKRISHNA PILLAI, YOGESH BHAVAN, 9,
KAMUKUMCHERY, PIRAVANTHOOR,
PATHANAPURAM, KOLLAM DISTRICT.**

BY ADV. SRI.DINNY THOMAS.

RESPONDENT/COMPLAINANT:

**SATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

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

rs.

A.HARIPRASAD, J.

B.A. No.7387 of 2015

Dated this the 30th day of November, 2015

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the fourth accused in Crime No.2534 of 2015 of Kottarakara Police Station registered for an offence punishable under Section 420 r/w Section 34 I.P.C.

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

4. Prosecution case, in short, is that accused Nos.1 to 3 along with the petitioner had promised to one Brijesh, who is a businessman abroad, that the latter would be made a partner in a shopping mall to be built at Kottarakkara. For that purpose, the petitioner along with other accused persons received huge amounts by way of cheques and later it was revealed that they were cheating the defacto complainant.

5. Learned counsel for the petitioner submitted that accused Nos.1 to 3 in the crime have been released on bail as per order on

Bail Application No.6985/2015 dated 13-11-2015. Considering the parity between these accused, I am of the view that the petitioner is also entitled to get pre-arrest bail. Hence, following directions are made :

i. Petitioner shall surrender before the investigating officer within a period of one month and submit himself for interrogation. Thereafter he shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in Crime No.2534 of 2015 of Kottarakkara 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. Petitioner shall appear before the investigating officer as and when directed in writing and co-operate with the

investigation in the matter.

iv. The petitioner 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 petitioner as if no order is passed.

amk

**Sd/-
A.HARIPRASAD,
JUDGE.**

//True copy//

P.A to Judge