

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

Bail Appl..No. 7390 of 2015

CRIME NO. 1622/2015 OF ARANMULA POLICE STATION, PATHANAMTITTA
.....

PETITIONER(S)/ACCUSED:

**BIJU MATHEW ABRAHAM,
S/O.MATHEW ABRAHAM, NANA VEETIL,
PUTHEN PARAMBIL VEEDU,
KOZHENCHERRY.**

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

RESPONDENT(S)/STATE:

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

BY SENIOR PUBLIC PROSECUTOR SRI.N.SURESH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A.No.7390 of 2015

Dated this the 27th day of November, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the accused in Aranmula Police Station Crime No.1622 of 2015 registered under Sections 465, 468 and 474 of the Indian Penal Code.

3. 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. In Crime No.1433 of 2015 of Aranmula Police Station also the petitioner is involved. Therein the 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. 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.

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

5. Learned Prosecutor submitted that a search was conducted pursuant to registration of Crime No.1433 of 2015 of Aranmula Police Station and in that search driving licence and other materials of dubious nature were found out. That is why this crime was registered.

6. Considering the fact that petitioner is in custody from 20.10.2015, 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 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.

AS

Sd/-
A.HARIPRASAD, JUDGE.
/True Copy/

P.A. To Judge