

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 7393 of 2015 ()

CRIME NO. 1426/2015 OF KADUTHURUTHY POLICE STATION, KOTTAYAM DISTRICT

APPLICANT / 2ND ACCUSED :

**SIBY JOSEPH
AGED 58 YEARS, S/O. JOSEPH V.P.,
VANIAPURACKAL HOUSE, PERUMPANACHY P.O.,
CHANGANASSERY, KOTTAYAM.**

BY ADV. SRI.THOMAS J. ANAKKALLUNKAL

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A. No. 7393 of 2015

Dated this the 2nd day of December, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the second accused in Crime No.1426 of 2015 of Kaduthuruthy Police Station registered for offences punishable under Sections 406, 418 and 420 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that the first accused conducted a chitty. As promised, he did not pay money back to the subscribers and thereby committed the offence of cheating. Allegation against the petitioner is that he introduced one of the subscribers to the first accused.

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

5. Considering the nature of allegations, I find that pre-arrest bail can be granted to the petitioner with following directions :

1. Petitioner shall surrender before the investigating officer within a period of two

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

2. 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.
3. Petitioner shall appear before the Investigating Officer as and when directed.
4. Petitioner shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-

**A. HARIPRASAD
JUDGE**

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P.A to Judge