

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

Bail Appl..No. 7675 of 2015 ()

CRIME NO. 365/2011 OF ALATHUR POLICE STATION, PALAKKAD DISTRICT.

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APPLICANT/ACCUSED NO.2:

**BASHEER K.M., AGED 44 YEARS,
S/O. MUHAMMEDALI K.M., KALLEPADATHU HOUSE,
KALLEPADAM P.O., PAZHAYANNUR, THRISSUR.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL).

RESPONDENT/COMPLAINANT:

**STATE 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 10-12-2015, ALONG WITH BA NO.7603 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A.Nos.7675 & 7703 of 2015

Dated this the 10th day of December, 2015

C O M M O N O R D E R

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

2. Petitioner is involved in two crimes. Originally the crimes were registered in Alathur and Kongad Police Stations. Now, CBCID has taken over investigation. Crime numbers are as follows:- CBCID Cr.794/CR/EOW-II/KTM/11 (Crime No.229 of 2011 of Kongad Police Station and CBCID Cr.796/CR/EOW-II/KTM/11 (Crime No.365 of 2011 of Alathur Police Station). The offences alleged are punishable under Sections 420 of the Indian Penal Code, Sections 3, 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and Sections 45 (s) and 58(B) of the RBI Act.

3. Heard both sides.

4. Learned counsel for the petitioner submitted that even according to prosecution the petitioner is only a promoter of the chit.

5. Learned Public Prosecutor opposed the bail application. Insofar as B.A.No.7703 of 2015 is concerned, this Court as per order dated 07.12.2011 in B.A.No.5878 of 2011, directed the petitioner to surrender before the Investigating Officer. That order has not been obeyed by the petitioner. Hence, I am not inclined to re-consider this bail application. Therefore, B.A.No.7703 of 2015 is dismissed. I am inclined to consider B.A.No.7675 of 2015 and grant bail to the petitioner with the following conditions:

- (a) The petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. Thereafter, he shall be released on bail on executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioner shall appear before the

Investigating Officer on all Saturdays between 10.00 a.m and 11.00 a.m. until the final report is filed.

- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) The petitioner shall not, during the period of this bail get involved in any offence.

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.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. To Judge