

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

Bail Appl..No. 7685 of 2015 ()

CRIME NO. 1715/2015 OF KOTTAYAM WEST POLICE STATION, KOTTAYAM

PETITIONER/ACCUSED :

**ASHY MATHEW
AGED 43 YEARS, PALOORPUTHEN VEEDU,
PUTHUPALLY, KOTTAYAM.**

BY ADV. SRI.V.K.SUNIL

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM.
(THROUGH THE S.I. OF POLICE
KOTTAYAM WEST POLICE STATION).**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.SUDHEENDRA KUMAR, J.

B.A.No.7685 of 2015

Dated this the 9th day of December, 2015

ORDER

This is an application filed under Section 438 of the Code of Criminal Procedure.

2. The petitioner is the accused in Crime No.1715 of 2015 of Kottayam West Police Station registered under Sections 406 and 420 of the Indian Penal Code. Prosecution allegation is that the defacto complainant was a subscriber of the chitty conducted by the petitioner. Even after bidding the chitty, the amount was not paid to the defacto complainant by the petitioner. A total amount of ₹47,500/- is due to the defacto complainant for the petitioner.

3. Heard.

4. Learned Public Prosecutor submitted that the petitioner is not involved in any other offence of similar nature.

5. Considering the facts and circumstances of the

case, including the nature of the allegations and also taking into consideration of the fact that the petitioner is a first time offender, I am of the view that custodial interrogation of the petitioner is not necessary for the progress of the investigation of the case. In the said circumstances, I am inclined to grant the relief under Section 438 Cr.P.C in favour of petitioner.

In the result, this application stands allowed and the respondent is directed to release the petitioner on bail in the event of her arrest in connection with Crime No.1715 of 2015 of Kottayam West Police Station on condition of the petitioner executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Sub Inspector of Police, Kottayam Police Station before whom the petitioner shall surrender within 10 days from today, if not arrested in the meantime, and subject to the following further conditions:

- (a) The petitioner shall report before the Investigating Officer as and when required by

him in writing to do so.

- (b) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.
- (c) The petitioner shall not get involved in any offence while on bail.

Sd/-

B.SUDHEENDRA KUMAR, JUDGE.

AS

/True Copy/

P.A. to Judge