

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Bail Appl..No. 7841 of 2015

CRIME NO. 3297/2015 OF PATHANAMTHITTA POLICE STATION

PETITIONER(S)/ACCUSED:

**ABDUL HAKKIM, AGED 37 YEARS,
S/O.USANAR, NJANDUKALLIL PUTHENVEEDU,
THAZHEVETIPRAM,
MUNDUKOTTACKAL P.O.,
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU**

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

P.BHAVADASAN, J.

B.A. No. 7841 of 2015

Dated this the 23rd day of December, 2015

ORDER

The petitioner is the sole accused in Crime No. 3297/2015 of Pathanamthitta Police Station who is alleged to have committed offences punishable under Sections 420, 409, 465, 468 and 472 of IPC.

2. It is alleged that the petitioner approached the owner of 'Crime Thaniniram' a daily publication offering to contribute news items in Pathanamthitta locality and also to procure advertisement for the paper. The allegation was that he would be given 20% commission from the advertisement. The petitioner would say that a huge amount is due to him as per the contract entered into between the parties. However, in order to get over that, the petitioner says that a false crime was registered against him as he left the job and started a publication of his own. He would say that the allegations made in the complaint are

totally false and it is only intended to deny payment to him and also to see that he does not operate a independent publication.

3. The learned Public Prosecutor pointed out that the allegations are of serious nature and the matter may be viewed in that angle.

4. After having heard the learned counsel for the petitioner and the learned Public Prosecutor and after having perused the records, it is felt that most of the allegations are regarding the misappropriation of the amounts rather than forgery etc.. Even though there is a vague allegation that forged seal etc. were used, It is felt that in the nature of things, this is a fit case where extraordinary jurisdiction of this Court needs to be exercised in favour of the petitioner.

This petition is allowed as follows:

- 1) The petitioner shall surrender before the Investigating Officer on or before **11.01.2016**, who, after interrogation, shall produce him before the JFCM court concerned, which court, on an

application for bail being moved by the petitioner shall release him on bail on his executing a bond for a sum of ₹25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties for the like sum each to the satisfaction of the said court.

- 2) The court shall ensure the identity of the sureties and the veracity of the tax receipts, before granting bail.
- 3) The petitioner shall appear before the Investigating Officer on every Friday between 9.00 am and 11.00 am until further orders.
- 4) The petitioner shall not tamper or attempt to tamper with the evidence and influence or try to influence the witnesses.
- 5) If any of the conditions is violated, the bail granted shall stand cancelled and the court concerned, of being satisfied of the said fact, may take such proceedings as are available in law.

Sd/-
P.BHAVADASAN
JUDGE

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P.A. to Judge