

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 2ND DAY OF JUNE 2014/12TH JYAISHTA, 1936

Bail Appl..No. 7798 of 2014 (D)

CRIME NO. 901/2014 OF CHANDERA POLICE STATION , KASARGOD

PETITIONER/1ST ACCUSED:

ABDUL RAZAK O.T., AGED 43 YEARS
S/O.ABDULLA, RASHEEDA MANZIL, RESIDING AT PADNE
PADNE P.O., PADNE VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT.

BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682 031.REPRESENTING THE SHO
CHANDERA POLICE STATION, KASARAGOD DISTRICT.

BY PUBLIC PROSECUTOR, SRI.RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
02-06-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Bail Application No.7798 of 2014 D

Dated this the 2nd day of June 2015

ORDER

The petitioner is the 1st accused in Crime No.901/2014 of Chandra Police Station, registered under Sections 463, 468, 471 and 420 read with Section 34 of I.P.C. The petitioner has filed this petition praying for the relief under Section 438 Cr.P.C.

2. Heard.

3. It is alleged that the petitioner and the other accused in the crime agreed to sell the property covered by an agreement for sale in favour of the *defacto complainant* in this case and received advance consideration. However, the sale deed was not executed as promised. On enquiry, it was revealed that no agreement was executed by the original owner of the property in favour of the

petitioner. On the said allegations, the *defacto complainant* filed a complaint before the Judicial First Class Magistrate's Court-1, Hosdurg. The learned Magistrate forwarded the said complaint to the police for investigation and report under Section 156(3) Cr.P.C. Accordingly, the above crime was registered.

4. Having gone through the facts and circumstances of the case, I am of the view that the dispute involved in this case is mainly civil in nature. In the said circumstances, an order under Section 438 Cr.P.C. in the favour of the petitioner, will be justified in this case.

In the result, this bail application stands allowed and the respondent is directed to release the petitioner on bail in the event of his arrest in crime No.901/2014 of Chandera 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, Chandera Police station, before whom the petitioner shall surrender

within 10 days and subject to the following conditions.

(i) The petitioner shall report before the Investigating Officer as and when required by the Investigating Officer for interrogation.

(ii) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(ii) The petitioner shall not get involved in any other offence during the pendency of this case.

Needless to state that the observations made in this order are only for the purpose of deciding this application and not for any other purpose.

sd/

**B.SUDHEENDRA KUMAR,
JUDGE**

dl

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PA TO JUDGE