

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Bail Appl..No. 7865 of 2014 (C)

CRIME NO. 334/2014 OF CHEEMENI POLICE STATION , KASARGOD

PETITIONERS/ACCUSED NO.1:

PRADEEPAN K. AGED 41 YEARS
S/O. BALAKRISHNAN, KUTHOORU HOUSE, VALIYAPOYIL P.O.
CHERUVATHUR, KILAYIKODE VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT.

BY ADVS.SRI.A.ARUNKUMAR
SMT.SONIA VINCENT

RESPONDENTS/COMPLAINANT/STATE :

-
1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
 2. THE STATION HOUSE OFFICER
(CRIME NO.334/2014 OF CHEEMENI POLICE STATION
KASARAGOD DISTRICT-671 315).

R BY PUBLIC PROSECUTOR, SRI.R.GITHESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Bail Application No.7865 of 2014 C

Dated this the 17th day of June 2015

O R D E R

The petitioner is the first accused in Crime No.334/2014 of Cheemeni Police Station registered under Sections 107, 120B, 463, 405 and 420 read with Section 34 of I.P.C.

2. The prosecution allegation is that the petitioner availed loan from the *defacto complainant* for the construction of a house. The stage of construction had to

be reported to the *defacto complainant periodically*. For that purpose, the petitioner produced photographs of some other building which was under construction. The second accused in the crime is an Engineer, who certified that the construction was complete. The petitioner has filed this application praying for the relief under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has opposed the application.

5. It appears that the loan was availed by the petitioner on 31.01.2003. It has been submitted by the learned Public Prosecutor that the petitioner is not involved in any other offence. The petitioner is an Ex-military person. It has been submitted by the learned counsel for the petitioner that a civil case filed the *defacto complainant against the petitioner* was decreed in favour of the *defacto*

complainant and in the execution process, the entire amount was deposited by the petitioner before the court and consequently, the execution petition was closed. Considering the facts and circumstances of the case, I am of the view that this is not a case where the custodial interrogation of the petitioner is necessary for the progress of investigation of the case. In the said circumstances, an order under Section 438 Cr.P.C. in favour of the petitioner will be justified in this case.

In the result, this application stands allowed and it is directed that the petitioner shall be released on bail in the event of his arrest in connection with Crime No.334/2014 of Cheemeni Police Station on condition of the petitioner executing a bond for ₹30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the 2nd respondent, before whom the

petitioner shall surrender within 10 days from today and subject to the following conditions:

(i) The petitioner shall report before the Investigating Officer on all Mondays between 9 a.m. and 11 a.m. for three months and thereafter, 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.

(iii) The petitioner shall not get involved in any offence while on bail.

**sd/
B.SUDHEENDRA KUMAR,
JUDGE**

dl/-

// TRUE COPY //

/ PA TO JUDGE /