

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Bail Appl..No. 8036 of 2015

CRIME NO. 712/2015 OF PERAMBRA POLICE STATION, KOZHIKODE.
.....

PETITIONER(S)/ACCUSED 2 & 3:

- 1. ASSAINAR, S/O.PARIYAI, AGED 55 YEARS,
VALAYANCHLIL HOUSE, MOOLAD P.O,
NADUVANNUR, KOYILANDY TALUK,
KOZHIKODE DISTRICT - 673 614.**
- 2. YUSUF, S/O.MAMMU, AGED 50 YEARS,
KAYAKEEL, MOOLAD P.O,
NADUVANNUR, KOYILANDY TALUK,
KOZHIKODE DISTRICT - 673 614.**

**BY ADVS.SRI.M.G.SREEJITH
SRI.ABDUL JALEEL ONATH
SMT.P.J.RAZIA BEEVI**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR
OF PERAMBRA POLICE STATION,
THROUGH THE LEARNED PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031.**

BY PUBLIC PROSECUTOR SRI.ABHIJETT LESSLI

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.8036 of 2015

Dated this the 18th day of December, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioners are accused 2 and 3 in Crime No.712 of 2015 of Perambra Police Station registered for offences punishable under Sections 406, 419 and 420 read with Section 34 of the Indian Penal Code.

3. Prosecution case, in short, is that the petitioners received gold ornaments from the defacto complainant undertaking to pay the value and interest in installments. Thereafter they committed breach with an intention to cheat the defacto complainant.

4. Heard both sides.

5. Learned Prosecutor opposed the bail application. He submitted that the third accused is a person convicted in an offence under Section 138 of the Negotiable Instruments Act.

Considering the nature of allegations and the fact that the petitioner is in custody from 02.12.2015, bail is granted to the petitioners with following conditions:

i. Petitioners shall be released on bail on each one of

them executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners shall appear before the Investigating Officer on all Saturdays between 10.00 and 11.00 a.m until final report is filed.

iv. They shall not indulge in any offence while on bail.

v. They shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioners, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

cks