

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Bail Appl..No. 8066 of 2014 ()

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CRIME NO. 1259/2014 OF MEDICAL COLLEGE POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT
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PETITIONER(S)/ACCUSED NO 1 & 2:

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- 1. MINI, AGED 44 YEARS,
W/O SREEKANTAN NAIR, MURUKAVILASAM, ULLOOR GRAMAM,
ULLOOR, MEDICAL COLLEGE P.O, THIRUVANANTHAPURAM DT.**
 - 2. SREEKANDAN NAIR, AGED 50 YEARS,
S/O LATE RAGHAVAN PILLAI, MURUKAVILASAM, ULLOOR GRAMAM,
ULLOOR, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM DT.**

BY ADV. SMT.G.VIDYA

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.N.SURESH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.SUDHEENDRA KUMAR, J.

.....
B.A.No. 8066 of 2014 (C)
.....

Dated this the 26th day of June, 2015

ORDER

The petitioners are accused in Crime No.1259 of 2014 of Medical College Police Station, Thiruvananthapuram, registered under Section 420 of the Indian Penal Code.

2. The prosecution allegation is that the petitioners borrowed 27½ sovereigns of gold ornaments worth Rs.6,00,000/- from the de facto complainant for pledging, stating that the petitioners had financial difficulty. The petitioners also promised that the said gold ornaments would be returned within two months. However, the petitioners did not return the said gold ornaments even after two months as promised.

3. The petitioners have filed this application under Section 438 of the Code of Criminal Procedure.

4. Heard.

5. The learned Public Prosecutor has no serious

objection in allowing this application. It appears from the facts and circumstances of the case that the dispute involved in this case is mainly civil in nature. 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 petitioners 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 petitioners will be justified in this case.

In the result, this application stands allowed and it is directed that the petitioners shall be released on bail in the event of their arrest in connection with Crime No.1259 of 2014 of the Medical College Police Station, Thiruvananthapuram, on condition of each of the petitioners executing a bond for Rs.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, before whom the petitioners shall surrender within ten days from today and subject to the following conditions:-

- i) The petitioners shall report before the Investigating Officer on every Monday 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 petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

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

I make it clear that I have not made any observation regarding the merits of the case and the observations made in this order are only for the purpose of disposing of this application.

Sd/-
B.SUDHEENDRA KUMAR
JUDGE

AMV/27/06/

/TRUE COPY/

P.A.TO JUDGE