

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

Bail Appl..No. 8113 of 2014

CRIME NO. 1429/2011 OF KADAKKAL POLICE STATION , KOLLAM

PETITIONER(S)/2ND ACCUSED:

**ANSHAD, AGED 40 YEARS
S/O.MUHAMMED MUSTHAF,
KUNNUMPURATHU HOUSE, MULLIKKADU
VALAVUPACHA VILLAGE, CHITHARA VILLAGE.**

**BY ADVS.SRI.S.ABHILASH
SRI.PRATHEESH.P**

RESPONDENT:

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE
KADAKKAL POLICE STATION,
THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B. KEMAL PASHA, J.

.....
B.A. No.8113 of 2014
.....

Dated this the 3rd day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.1429/2011 of Kadakkal Police Station registered for the offence punishable under Section 420 read with Section 34 IPC.

3. It is alleged that while the *defacto complainant* was working as the Manager of *Kosamattam Finance*, A1 and the petitioner approached the *defacto complainant* and represented that they would purchase gold from a gold jewellery named *Kadakkal Gold Palace* owned by the 3rd accused and would give it to the *defacto complainant* and obtained an amount of ₹15 lakhs for the same from the

defacto complainant. After entrusting an amount of ₹6,90,000/- out of it to A4, they returned the balance amount to the *defacto complainant*. The said amount of ₹6,90,000/- was neither returned, nor the gold was supplied.

4. Heard learned counsel for the petitioner and learned Public Prosecutor.

5. It seems that in fact, the role allegedly played by the petitioner is minimal in the transaction. He had represented that gold could be purchased from the *Kadakkal Gold Palace*. It seems that for parting with the amount, the *defacto complainant* also went along with the petitioner. Considering the facts and circumstances of the case, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. The investigation of this case is practically over. No criminal antecedents have been reported against the petitioner. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the

petitioner.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his 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 officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 10.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

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It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/03/02

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PA to Judge