

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

Bail Appl..No. 8142 of 2014

CRIME NO. 753/2014 OF KALPETTA POLICE STATION, WAYANAD DISTRICT.

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PETITIONER/ACCUSED NO 3:

**SAJEESH CHANDRAN,
S/O.C CHANDRAN NAIR, AGED 29 YEARS,
HAVING PERMANENT RESIDENCE AT
CHLOORIKATTU HOUSE, PUTHUKUNNU,
KINANOR, KATTIPOIL, KASARAGOD,
KERALA - 671 314.**

**BY ADVS.SRI.SAJITH KUMAR V.
SRI.S.SUNIL KUMAR (PALAKKAD)**

RESPONDENT(S)DEFACTO COMPLAINT/STATE:

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

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B.A.No. 8142 of 2014

Dated this the 31st day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 3rd accused. The allegation is that he along with the co-accused has committed the offences under Sections 34,406, 420 and 506(ii) of the Indian Penal Code. The accused made the victim believe that they would obtain admission to MBBA course for his son in a college at Bangalore and they received Rs.34,24,000/- from him. They did not get him admission or repay the full amount.

3. Heard.

4. I have perused the case diary. It is stated in the First Information Statement that the petitioner along with the co-accused met the victim at his resort and the promise was made there. Learned counsel submits that this is false. The incident took place in the first week of August, 2013. The petitioner and the second accused were partners of a firm doing business in the same field. The second accused retired on

01.10.2012. On 19.11.2013, the petitioner filed a complaint against the second accused. This case was registered on 19.09.2014. I have perused the case diary. There is no allegation that the first informant paid any amount to the petitioner. There are some suspicious circumstances in the case. It appears that the case of the petitioner stands on a different footing from that of the co-accused. So, I am inclined to grant the prayer of the petitioner.

In the result, this application is allowed.

- 1)The petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only)with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.*
- 2)The petitioner shall surrender his passport before the lower court concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.*
- 3)He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.*
- 4)He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.*
- 5)He shall not intimidate or attempt to influence the*

witnesses.

6)He shall not destroy or tamper with evidence.

7)He shall not get himself involved in any other criminal case while he is on bail.

If the petitioner surrenders before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge