

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Bail Appl..No. 8240 of 2014

CRIME NO.2189/2014 OF THIRUVALLA POLICE STATION, PATHANAMTHITTA DISTRICT.
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PETITIONER(S)/ACCUSED PERSONS:

1. ANANDRAJ A., AGED 38 YEARS,
S/O.ANANDAN K, POOMUTTATHU,
ALUMPEEDIKA P.O, OACHIRA, KOLLAM-690547.
2. RAJESH UNNITHAN, AGED 42 YEARS,
S/O.SIVAN UNNITHAN, KAILASOM, VATHIKULAM,
THEKKEKKARA VILLAGE, THEKKEKKARA P.O,
MAVELIKARA, ALAPPUZHA -690107.

**BY ADVS.SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR**

RESPONDENT(S)/STATE:

1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. THE SUB INSPECTOR OF POLICE,
THIRUVALLA POLICE STATION, CHENGANNUR,
PATHANAMTHITTA - 689101.

BY PUBLIC PROSECUTOR SMT.MADHUBEN.M

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

SUNIL THOMAS, J.

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B.A.No.8240 of 2014

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Dated this the 9th day of July, 2015

ORDER

The applicants are the accused in Crime No.2189 of 2014 of the Thiruvalla Police Station for offences punishable under Sections 420 and 468 of the Indian Penal Code r/w Section 34 of the IPC.

2. The allegation of the de facto complainant is that he, as the Managing Director of National Academy for the Pre-recruitment Training (NAPT), had given consent to the accused persons to start its branch at Thiruvalla. It is alleged that there were certain terms and conditions regarding the conduct of the above branch and in breach of the terms, the accused gave advertisement for starting various units in other district centres also. On the basis of the complaint lodged, crime was registered and the police started investigation.

3. Apprehending arrest, the applicants have approached this Court seeking pre-arrest bail. Heard both sides and examined the records.

4. Essentially, there appears to be an agreement between the parties laying down the terms and conditions for starting the unit by the applicants. Even the complaint discloses that the applicants

allegedly caused paper publication, advertising that they propose to start units at various other places. Essentially, grievance of the complainant appears to be regarding the breach of the terms of contract and violation of the terms of contract. It has a tinge of civil nature also. It is submitted by the learned counsel for the applicants that the de facto complainant had filed a civil suit against them, which was subsequently withdrawn. In the above circumstances, I feel that custodial interrogation of the applicants may not be warranted and they can be granted bail subject to the following conditions:

(i) The applicants shall appear before the Investigating Officer on 20.07.2015 between 9 a.m. and 10 a.m.. They shall undergo interrogation. After concluding the interrogation, if the Investigating Officer feels that they are required to be arrested, they shall be released on bail on each of the applicant executing a bond for a sum of Rs.40,000/- (Rupees forty thousand only) with two sureties each for the like sum each.

(ii) Applicants shall appear before the Investigating Officer as and when required and shall co-operate with the investigation.

(iii) Applicants shall not threaten, coerce or intimidate the witnesses.

Sd/-
SUNIL THOMAS
Judge

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