

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

Bail Appl..No. 8326 of 2014 ()

AGAINST THE ORDER IN CRMP 3182/2013 of DISTRICT & SESSIONS
COURT, PALAKKAD DATED 20-10-2014
CRIME NO. 837/2014 OF CHITTUR POLICE STATION, PALAKKAD

PETITIONER(S) /ACCUSED:

BHUVANADAS AGED 56 YEARS
S/O.C.K.UNNI, CHORATH NIVAS, THATHAMANGALAM
CHITTUR TALUK, PALAKKAD DISTRICT.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN

RESPONDENT(S) /STATE:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682031
(CRIME NO.837/2014 OF CHITTUR POLICE STATION
PALAKKAD DISTRICT).

2. STATION HOUSE OFFICER
CHITTUR POLICE STATION
PALAKKAD DISTRICT-678101. (CRIME NO.837/2014 OF
CHITTUR POLICE STATION
PALAKKAD DISTRICT).

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

B. SUDHEENDRA KUMAR, J.

.....
Bail Application No. 8326 of 2014
.....

Dated this the 2nd day of June, 2015

ORDER

The petitioner is the first accused in Crime No. 837 of 2014 of Chittur Police Station registered for offences under Sections 420, 463, 468 and 102 (b) read with Section 34 of IPC.

2. The prosecution allegation is that in furtherance of the common intention of the petitioner and the other accused, both the accused conspired together, and in pursuance of the said conspiracy, the 2nd accused impersonated himself as Krishnakala and made the de facto complainant to believe that he was Krishnakala. Thereafter, the 2nd

B.A. No. 8326 of 2014

accused received an amount of Rs. 40,00,000/- from the de facto complainant towards advance consideration for the sale of the property of Krishnakala. However, the sale deed was not executed thereafter, as promised. Later on, it was realised that Krishnakala was no more even at the time of executing the agreement by A2 with the de facto complainant.

3. Heard the learned counsel for the applicant and the learned Public Prosecutor.

4. The learned Public Prosecutor has no serious objection in granting the relief under Section 438 Cr.P.C. in favour of the petitioner, who is the first accused in the above crime. It is alleged that the first accused was the real estate broker in the above said transaction.

5. The learned counsel for the petitioner submits that the petitioner was not aware as to whether the second accused was in fact Krishnakala or not at the time of executing the agreement for sale with the de facto complainant. There is no allegation to the effect that the petitioner collected any amount from the de facto complainant. The

B.A. No. 8326 of 2014

petitioner is also not involved in any other offence of similar nature. Considering the facts and circumstances of the case, I am of the view that custodial interrogation of the petitioner is not necessary for the progress of investigation of the case. Therefore, I am inclined to grant the relief under Section 438 Cr.P.C. in favour of the petitioner.

In the result, this Application stands allowed and the 2nd respondent is directed to release the petitioner on bail, in the event of his arrest in connection with Crime No. 837/2014 of Chittur Police Station on condition of the petitioner executing a bond for Rs. 35,000/- (Rupees thirty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the arresting officer, before whom the petitioner shall surrender within ten days from this date and subject to the following conditions:

- i) The petitioner shall report before the Investigating Officer on every Monday between 9 a.m. to 11 a.m. for six months or till the filing of the final report, whichever is earlier.

B.A. No. 8326 of 2014

ii) The petitioner shall not influence or intimidate the witnesses or in any way tamper with the investigation.

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

Dated this the 2nd day of June, 2015.

Sd/- B. SUDHEENDRA KUMAR,
JUDGE.

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P.S. to Judge