

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Bail Appl..No. 8496 of 2014 (B)

CrI.M.C. 2179/2014 of SESSIONS COURT, KOZHIKODE
CRIME NO. 357/2014 OF KADAMPUZHA POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED:

JAYARAJAN, AGED 45 YEARS
S/O.RAJAGOPALAN NAIR, KALATHINGAL PARAMBIL HOUSE
KOTTAKKAL POST, KOTTAKKAL AMSOM DESOM, THIRUR TALUK
NOW RESIDING AT " PRATHIBA", CHELAPRAM ROAD
KAKKODI (PO), KOZHIKODE DISTRICT.

BY ADVS.SRI.K.M.FIROZ
SRI.S.KANNAN

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR, SRI.RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Bail Application No.8496 of 2014

Dated this the 5th day of June 2015

O R D E R

The petitioner is the accused in Crime No.357 of 2014 of Kadampuzha Police Station. The offence alleged is the offence under Section 420 I.P.C.

2. The prosecution allegation can be briefly stated as follows. The petitioner and the *defacto complainant* were jointly conducting the business of Bio Gas and manufacturing and distribution of incinerators. While so, the petitioner, without the consent and knowledge of the *defacto complainant*, sold cheap quality of incinerators under the trade name of the *defacto complainant*. The petitioner also misused the visiting card of the *defacto complainant* and thereby, cheated the *defacto complainant*. The petitioner has filed this application praying for the relief under

Section 438 Cr.P.C.

3. Heard.

4. It has been submitted by the learned Public Prosecutor that the petitioner is not involved in any other offence of similar nature. Considering the facts and circumstances of the case, I am of the view that the dispute involved in this case is mainly civil in nature. Therefore, the custodial interrogation of the petitioner is not necessary for the progress of investigation of the case. In the said circumstances, 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 petitioner shall be released on bail in the event of his arrest in connection with Crime No.357/2014 of Kadampuzha Police Station on condition of the petitioner executing a bond for Rs.30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Sub Inspector of Police, Kadampuzha Police Station, before whom the petitioner shall surrender within two weeks from today and subject

to the following conditions:

(i) The petitioner shall report before the Investigating Officer as and when required by the Investigating Officer for interrogation.

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

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

sd/

**B.SUDHEENDRA KUMAR,
JUDGE**

dl

// TRUE COPY //

PA TO JUDGE