

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

Bail Appl..No. 8567 of 2014 ()

***CRIME NO. 1515/2014 OF PERINTHALMANNA POLICE STATION, MALAPPURAM DIST.**

**CRIME NUMBER IS CORRECTED AS CRIME NO.1467/2014 AS PER ORDER DATED
09/02/2015 IN CRL.MA. NO.11218/2014.**

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PETITIONER(S):

**P.A. JOSHY, AGED 52 YEARS,
PANDARAPARAMBIL HOUSE, P.O. VETILAPPARA,
PARIYARAM VIA, THRISSUR DISTRICT.**

BY ADV. SRI.T.K.AJITH KUMAR.

RESPONDENT/COMPLAINANT:

**1. STATE OF KERALA,
BY THE SUB INSPECTOR OF POLICE,
PERINTHALMANNA POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

*** ADDL. R2 IMPEADED**

**2. GAFOOR, AGED 36 YEARS,
S/O.MUHAMMED, THACHANKUNNAN HOUSE,
ALIPARAMBA AMSOM DESOM, MALAPPURAM DISTRICT.**

*** ADDL. R2 IS IMPEADED AS PER ORDER DATED 12/03/2015
IN CRL.MA. NO.11195/2014.**

**R1 BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.
ADDL. R2 BY ADV. SRI.U.K.DEVIDAS.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.8567 of 2014
.....

Dated this the 12th day of March, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.1467/2014 of Perinthalmanna Police Station registered for the offence punishable under Section 420 IPC.

3. The allegation against the petitioner and other accused is that they have offered partnership to the de facto complainant in their poultry business. Attracted by the offer of huge profit, the de facto complainant invested an amount of ₹10 lakhs, and his friend has invested an amount of ₹2 lakhs. Thereafter, it seems that they were defrauded and cheated and the amount or profits have not been returned.

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

5. The petitioner is the Additional Sub Inspector of

Police in service, presently under suspension. On going through the contents of the CD, I am of the view that the matter involved is more or less civil in nature and at the most, it can be a breach of contract. Considering the facts and circumstances of the case, 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 Thursdays and Mondays, commencing from 19.03.2015 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.*

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/12/03

*// True Copy //*

*PA to Judge*