

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Bail Appl..No. 8569 of 2014 ()

CRIME NO. 666/2014 OF VEEYAPURAM POLICE STATION, ALAPPUZHA DISTRICT

PETITIONER/2ND ACCUSED :

**PADMANABHA RAJU S., AGED 41 YEARS,
S/O.SURENDRAN PILLAI, NO.F2, CAVERY APARTMENTS
CHURCH LANDING ROAD, KOCHI-16.**

**BY ADVS.SRI.S.ABHILASH
SRI.A.MUHAMMED RAFFI**

RESPONDENT :

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

BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

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B.A.No. 8569 of 2014

Dated this the 17th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is alleged to have committed the offence under Sections 120B, 406, 420 of IPC. The prosecution case is that the first informant and the petitioner entered into an agreement for sale of timber, the consideration of which was Rs.16,00,000/-. The first informant paid the whole amount through the first accused. But, not even a piece of timber was delivered.

3. Heard.

4. Learned counsel submits that the petitioner is not involved in this case. It is true that it was not to the petitioner the first informant paid the amount. But, the co-accused allegedly received the amount on behalf of the petitioner. Only Rs.8,00,000/- was paid at the Police Station. There is a *prima facie* case against the petitioner. The co-accused has been granted bail by this Court. So, the petitioner also is entitled to get equal treatment.

In the result, this application is allowed.

- 1) The Petitioner will be released on bail on his executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.
- 2) He shall deposit in the trial court Rs.8,00,000/-(Rupees eight lakhs only) within one month, failing which the learned Magistrate is empowered to cancel the bail.
- 3) He shall appear before the Investigating Officer for interrogation; if he is so required by him in writing.
- 4) He shall not destroy or tamper with evidence.
- 5) He shall not get himself involved in any other criminal cases.

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

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P.A. To Judge