

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

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

Bail Appl..No. 8611 of 2014 (B)

CRMP 3143/2014 of SESSIONS COURT, PALAKKAD
CRIME NO. 907/2013 OF CHALISSERY POLICE STATION , PALAKKAD

PETITIONER/1ST ACCUSED :

SHAKTHI PRAKASH, AGED 37 YEARS
S/O. DEVARAJAN, SARASWATHY NIVAS, THAMARABHAGOM
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM-695 011.

BY ADV. SRI.T.P.SANTHOSH KUMAR

RESPONDENT/STATE :

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031
THROUGH THE SUB INSPECTOR OF POLICE
CHALISSERY POLICE STATION, CHALISSERY, PALAKKAD.

BY PUBLIC PROSECUTOR, SRI.R.GITHESH

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

B.SUDHEENDRA KUMAR, J.

Bail Application No.8611 of 2014 C

Dated this the 17th day of June 2015

O R D E R

The petitioner is the first accused in Crime No.907/2013 of Chaliserry Police Station registered under Section 420 read with Section 34 of I.P.C.

2. The prosecution allegation is that an amount of Rs.81,00,000/-was received by the petitioner from the *defacto complainant* on the promise that interest at the rate of 1% per day would be paid by the petitioner to the *defacto complainant*. However, no such interest was paid by the petitioner. When demanded the amount back, the

petitioner issued a cheque in favour of the *defacto complainant*, which was bounced on presentation due to insufficiency of funds in the account of the petitioner. The petitioner has filed this application praying for the relief under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has opposed the application stating that the petitioner was also involved in many other crimes of similar nature. However, it has been fairly conceded by the learned Public Prosecutor that the petitioner was granted bail in all such crimes after his arrest and judicial detention for 173 days, as per order dated 13.9.2013 of the Additional Chief Judicial Magistrate Court (EO), Ernakulam. There is no allegation that the petitioner had committed any offence after his release on bail. The transaction involved in this case was during the year 2009.

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 this case. In the said circumstances, an order under Section 438 Cr.P.C. in favour of the petitioner will be justified in this case.

In the result, this application stands allowed and the respondent is directed to release the petitioner on bail in the event of his arrest in connection with Crime No.907/2013 of Chalissery 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, Chalisery Police Station, before whom the petitioner shall surrender within 10 days from today and subject to the following conditions:

(i) The petitioner shall report before the Investigating Officer on all Saturdays between 9 a.m. and 11 a.m. for six months and thereafter, 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 /