

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Bail Appl..No. 8640 of 2014 ()

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CRIME NO. 764/2013 OF WALAYAR POLICE STATION, PALAKKAD DISTRICT.**

PETITIONERS/ACCUSED NOS. 1 AND 2:

- 1. J. GEORGE ALEXANDER, AGED 27 YEARS,
S/O.B.J. JAYARAJ, 307/48, K.N.G. UDUR,
G.N. MILLS P.O., COIMBATORE DISTRICT,
TAMILNADU STATE.**
- 2. PANDIYAN, AGED 50 YEARS,
S/O.ELLAI PERUMAL NADAR, PADHIRIKALIYAJMMAN STREET,
UPPILIPALAYAM, COIMBATORE, TAMILNADU STATE.**

BY ADV. SRI.NIREESH MATHEW.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

B.A.No. 8640 of 2014 D

Dated this the 15th day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.764/2013 of Walayar Police Station, Palakkad district registered for the offences punishable under Sections 468, 471 and 420 read with Section 34 of the Indian Penal Code.

3. The first petitioner is the owner of vehicle bearing Reg.No.KL-9M-5696 and the second petitioner is the driver. It is alleged that they have misused the number particulars of the said vehicle, as the particulars of another bus bearing Reg.No.KL-13-S-5229 of the 1st petitioner and used the said documents as genuine with a view to evade tax legally payable to the Government. On 25.6.2013, the de-facto complainant, who was on duty at the check

post at Walayar detected that records and numbers of vehicle bearing Reg. No.KL-9M-5696 were being misused on the strength of forged documents and tampering with its numbers. This is with a view to evading the payment of tax legally due to the Government in respect of bus bearing Reg.No. KL-13-S-5229.

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

5. The contents of the C.D. *Prima facie* reveal the complicity of the petitioners. It is with a view to evading the payment of tax legally due to the Government in respect of vehicle bearing Reg.No.KL-13-S-5229, the documents in respect of another vehicle were made use of as genuine in respect of the present vehicle. The engine number and chassis number were also tampered with. Presently, the learned counsel for the petitioners submits that the petitioners are ready and willing to pay all the tax arrears, till date, in respect of vehicle bearing Reg.No.KL-13-S-

5229. When the matter relates to tax evasion, I am of the view that this is not a case wherein the custodial interrogation of the petitioners is required for the continued investigation of the case. The vehicle has already been seized. Considering the facts and circumstances of this case, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners on conditions.

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 petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them 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 petitioners shall pay the entire tax arrears till date, in respect of vehicle bearing Reg.No.

KL-13-S-5229, within a period of 10 days from today.

(ii) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 22.1.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(iii) The petitioners shall not tamper with the evidence or influence witnesses.

(iv) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(v) The petitioners 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

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PA to Judge