

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Bail Appl.No. 8738 of 2014

CRIME NO. 1995/2014 OF PATHANAMTHITTA POLICE STATION, PATHANAMTITTA
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PETITIONER(S)/ACCUSED:

**RENJAN M., AGED 50 YEARS,
S/O.MUTHAYYAN CHETTIYAR, SREEMANGALAM, THOTTUPURAM,
PRAKKANAM P.O., CHENNEERKKARA, KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI.V.A.**

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
01-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A.No.8738 of 2014

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Dated this the 1st day of April, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. A case was registered for man missing as Crime No.1995 of 2014 of the Pathanamthitta Police Station. Thereafter, the body of the deceased was traced out from Achankovil river.

3. The investigation has revealed that the deceased had committed suicide. When the reasons were traced out, fingers were pointed towards the petitioner. It is alleged that there were financial transactions between the petitioner and the deceased. The deceased had allegedly borrowed ₹5,000/- from the petitioner, who is a money lender. The petitioner had obtained blank signed cheque leaves from the

deceased. When a dispute has arisen between the parties, it is alleged that the petitioner had made use of one of such cheques leaves, altered it into a cheque, presented it, got it dishonoured and filed a complaint alleging an offence under Section 138 of the Negotiable Instruments Act against the deceased. The case was decided in favour of the petitioner and an amount of ₹75,000/- as compensation was ordered to be paid by the deceased and a sentence to undergo imprisonment for three months also was imposed on him. It seems that the deceased had become frustrated and he had no other go than to commit suicide as he could not raise that much amount.

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

5. Even if it is considered that the case instituted by the petitioner, against the deceased, was a false case, at any stretch of imagination, it cannot be said that it will constitute an offence under Section 306 IPC. On going through the facts and circumstances of the case, I do not find any sufficient materials to invite an offence under Section 306

IPC. Considering the facts and circumstances of the case and the present stage of the investigation, I am of the view that anticipatory bail can be granted to the petitioner.

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 for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) Petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Wednesdays and Saturdays commencing from 08.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioner shall not tamper with the evidence or influence witnesses.

(iii) Petitioner shall make himself available for interrogation as and when required by the

investigating officer.

(iv) 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

DSV/1/4/15

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P.A. To Judge