

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. 8761 of 2014 ()

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

PETITIONER :

P.A. JOSHY, AGED 52 YEARS  
PANDARAPARAMBIL HOUSE, P.O.VETTELAPPARA  
PARIYARAM (VIA), THRISSUR DT.

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENT/COMPLAINANT :

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

\*ADDL. R2 IMPEADED

\*ADDL.R2. GAFOOR, AGED 36 YEARS  
S/O. MUHAMMED, THACHANKUNNAM HOUSE  
ALIPARAMBA AMSOM DESOM  
MALAPPURAM DISTRICT.

\*IS IMPEADED AS PER ORDER IN CRL.M.A. NO. 943/2015 DATED 12/03/2015.

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:

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**B. KEMAL PASHA, J.**

.....  
B.A. No.8761 of 2014  
.....

*Dated this the 12<sup>th</sup> day of March, 2015*

**ORDER**

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1515/2014 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 ₹15 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*