

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

Bail Appl..No.8979 of 2014

CRIME NO.647/2014 OF KANAKAKUNNU POLICE STATION,ALAPPUZHA DISTRICT

PETITIONER/FIRST ACCUSED:

**BAIJU SIMON,AGED 39 YEARS,
S/O.SREEDHARAN SIMON,
JENUMON COTTAGE,NEDUMPRAM,
HARIPAD,ALAPPUZHA DISTRICT.**

**BY DR.K.P.SATHEESAN (SENIOR ADVOCATE.)
ADVS.SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.VNAIR
SRI.S.VIBHEESHANAN
SRI.N.MANU THAMPI**

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,
KOCHI - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
KANAKAKUNNU POLICE STATION,
ALAPPUZHA DISTRICT,PIN:688 011.**

R1 & R2 BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

.....
B.A. No.8979 OF 2014

.....
Dated this the 6th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.647/2014 of the Kanakakunnu Police Station, Kayamkulam registered for the offences punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that by offering that they would make the defacto complainant also a partner in the nursing college being run by them at Bangalore, an amount of ₹80 lakhs was accepted by them from the defacto complainant and thereafter without executing any partnership deed, the

petitioner and his wife, who is the other accused sold away the nursing college to another person. The petitioner has been in custody for the period from 30.11.2014 onwards.

4. Heard the learned Senior Counsel for the petitioner and the learned Public Prosecutor.

5. According to the learned Public Prosecutor the crime has been registered on the basis of a private complaint filed by the defacto complainant against the petitioner before the Judicial First Class Magistrate's Court, Haripad, and it was referred to the Police under Section 156 (3) Cr.P.C. No documentary evidence has been produced by the defacto complainant to prove the transaction. It seems that continued detention of the petitioner in custody is not required for the continued investigation of this case. No criminal antecedents have been reported against the petitioner. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, I am of

the view that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, 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 Tuesdays and Fridays commencing from 13.01.2015 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

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conditions stipulated above will result in the cancellation of bail.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge