

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Bail Appl..No. 9165 of 2014 ()

CRIME NO. 433/2014 OF VYTHIRI POLICE STATION, WAYANAD

PETITIONERS/ACCUSED 1 & 2 :

- 1. SHAHALUDHEEN, AGED 30 YEARS,
S/O MUHAMMED HANEEFA, MYLAPORE,
UMAYANALLOOR P.O., KOLLAM.**
- 2. SUDHEER, AGED 30 YEARS
S/O ABDUL RASHEED, NISHAL MANZIL,
THAZHUTHALA, KOTTIYAM, KOLLAM.**

BY ADV. SRI.B.MOHANLAL

RESPONDENT/COMPLAINANT :

**STATE OF KERALA THROUGH
THE STATION HOUSE OFFICER,
VAITHIRI POLICE STATION, WAYANAD DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

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B.A. No. 9165 of 2014

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Dated this the 9th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1 and A2 in Crime No.433 of 2014 of the Vaithiri Police Station, registered for the offences punishable under Sections 406 and 420 IPC.

3. It is alleged that the defacto complainant had entrusted an amount of Rs.9,30,000/- to one Shahaludin, for handing over it to his business partner named Niyas at Vaithiri on 30.07.2014 at 9 a.m. It is further alleged that by making false representations these petitioners along with the 3rd accused have defrauded and cheated the said Shahaludin and took away the amount from him.

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

5. The investigating officer has reported that the allegation that the defacto complainant had parted with an amount of Rs.24,00,000/- and cheque for Rs.5,00,000/- is proved to be false in the investigation. According to the

investigating officer, the matter requires further investigation. At present, there are no materials to invite the offences against the present petitioners. This is not a case wherein the custodial interrogation of the petitioner is required for the continued investigation of this case. 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 petitioners.

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 Rs.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) The petitioners shall report before the investigating officer in between 09.00 a.m. and

11.00 a.m. on all Fridays and Tuesdays commencing from 16.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) 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

DSV/9/1/15

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PA to Judge

