2025:KER:30844

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 9TH DAY OF APRIL 2025 / 19TH CHAITHRA, 1947

BAIL APPL. NO. 6819 OF 2024

CRIME NO.868/2024 OF Kottayam East Police Station, Kottayam

PETITIONER/S:

ARYA MICHAEL,
AGED 35 YEARS
D/O. MICHAEL ABRAHAM, OLICKAL (H), NEELOOR (P.O.), KOTTAYAM, PIN - 686651

RESPONDENT/S:

1 **STATE OF KERALA,**
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

2 **STATION HOUSE OFFICER,**
KOTTAYAM EAST POLICE STATION, KOTTAYAM, PIN - 686651

3 **SANOOP,**
S/O. SHIBU, PUTHUPPARAMPIL HOUSE, MUTTAMBALAM P.O., KOTTAYAM (SOUGHT TO BE IMPLEADED)
BY ADV R.PADMAKUMARI

OTHER PRESENT:

SR PP-NOUSHAD K A

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.04.2025, ALONG WITH Bail Appl..6820/2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:30844

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 9TH DAY OF APRIL 2025 / 19TH CHAITHRA, 1947

BAIL APPL. NO. 6820 OF 2024

CRIME NO.869/2024 OF Kottayam East Police Station, Kottayam

PETITIONER/S:

ARYA MICHAEL,
AGED 35 YEARS
D/O. MICHAEL ABRAHAM, OLICKAL (H), NEELOOR (P.O.), KOTTAYAM, PIN - 686651

RESPONDENT/S:

1 **STATE OF KERALA,**
REPRESENTED BY PUBLIC PROSECUTOR, DISTRICT AND SESSIONS COURT, KOTTAYAM, PIN - 682031

2 **STATION HOUSE OFFICER,**
KOTTAYAM EAST POLICE STATION, KOTTAYAM, PIN - 686651

3 **ANATHU,**
S/O. RAMADAS, NEAR VATTAMOODU PALAM, SH MOUNT P.O., VIJAYAPURAM, KOTTAYAM (SOUGHT TO BE IMPLEADED)

BY ADV R.PADMAKUMARI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.04.2025, ALONG WITH Bail Appl..6819/2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:30844

P.V.KUNHIKRISHNAN, J

–----------

B.A. Nos. 6819 & 6820 of 2024

Dated this the 9th day of April, 2025

O R D E R

These bail applications are connected and therefore, I am disposing of these bail applications by a common order.

2. The petitioner is an accused in Crime No. 868/2024 and 869/2024 of Kottayam East Police Station. The above cases are registered against the petitioner alleging offences punishable under Secs. 406 and 420 IPC.

3. The prosecution case is that the petitioner along with the other accused with intention to deceive and cheat the defacto complainant in these cases, promised to secure job in US army and collected huge amount. The job is not provided and the amount is also not returned. Hence, these bail applications.

2025:KER:30844

4. When these bail applications came up for consideration, this Court referred the matter for mediation. After mediation, a memorandum of agreement signed by both sides is filed, in which it is stated that the matter is settled. It will be better to extract the memorandum of settlement.

> *"The parties have settled the dispute between them on the following terms and conditions:*
>
> *1. Mr. Shine Jyothi Sathya on behalf of the petitioner is issuing a cheque No.451401 dated 21/03/2025 for Rs.2,36,800/- (Rupees Two lakhs thirty six thousand eight hundred only) drawn on Indian Bank, Thiruvananthapuram Branch favouring the Respondent No.3, Sanoop, the defacto complainant in Crime No. 868/2024 of Kottayam East Police Station towards full and final settlement of the entire disputes between the petitioner herein and respondent No.3.*
>
> *2. The defacto complainant undertakes that he shall not initiate any further proceedings or complaints before any Court, Forum etc.*
>
> *3. The Accused is filing Crl MC before this Hon'ble Court for quashing the above crime and the defacto complainant undertakes to render necessary assistance for the same."*

5. When these bail applications came up for consideration, the learned counsel appearing for the defacto

2025:KER:30844

complainant submitted that the amount as per the mediation is not received. The case was posted for the payment of the amount. At last on 07.04.2025, the counsel for the petitioner submitted that he is relinquishing the vakalath and the amount is not paid as per the settlement. The same was recorded and this Court vacated the interim order as per the order dated 07.04.2025. The order dated 07.04.2025 is extracted hereunder :

> *"It is submitted that the petitioner has not complied with the conditions as per the settlement. If that is the case, the interim order is vacated.*
> *Adv. Renjith.B.Marar submitted that, he is relinquishing the Vakalath. The same is recorded.*
> *Post on 09.04.2025."*

6. The petitioner violated the mediation agreement. In such circumstances, I am not inclined to exercise the discretionary jurisdiction to grant bail to the petitioner.

With the above observation, these bail applications

2025:KER:30844

are dismissed.

Sd/-

P.V.KUNHIKRISHNAN
JUDGE

SKS