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Ravi.E.K Vs. State of Kerala

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Court : Kerala

Decided On : Jan-02-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Ravi.E.K

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE2D DAY OF JANUARY201412TH POUSHA, 1935 Bail Appl..No. 8509 of 2013 () ---------- (CRIME NO. 330/2012 OF VYTHIRI POLICE STATION , WAYANAD) ..... PETITIONER/ACCUSED NO.2: ---------- RAVI.E.K, AGED50YEARS, S/O.KELU, MAMBETTY HOUSE, MAKKIYAD.P.O., THONDERNADU, KANJIRANGAD VILLAGE, MANANTHAVADY TALUK, WAYANAD DISTRICT. BY ADV. SRI.MATHEW KURIAKOSE RESPONDENT/STATE: ---------- STATE OF KERALA, (CRIME NO.330/2012 OF VYTHIRI POLICE STATION) REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI. E.M.ABDUL KHADER THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0201-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: vs THOMAS P. JOSEPH, J ---------- B.A.No.8509 of 2013 ---------- Dated this the 2nd day of January, 2014

ORDER

Petitioner is the second accused in Crime No.330 of 2012 of the Vythiri Police Station for the offences punishable under Sections 167, 420 r/w Section 34 of the Indian Penal Code, apprehends arrest and has filed the application.

2. Learned Public Prosecutor while opposing the application has submitted that the first accused, while working as Tribal Officer at Vythiri issued cheque for Rs.45,000/- to the defacto complainant and introduced the the petitioner as contractor for construction of building for which money was sanctioned. Petitioner collected the amount but did not complete construction of the building. Petitioner and the first accused misappropriated around Rs.35,000/- 3. Learned counsel submits that the allegations are false. It is point out that the first accused was granted bail by this Court as per order dated 03-12-2013 in B.A.No.7999 of 2013.

4. Having heard both sides, I am inclined to grant the same relief to the petitioner as well. Application is disposed of as under: a) Petitioner shall surrender before the officer B.A.No.8509 of 2013 2 investigating in Crime No.330 of 2012 of the Vythiri Police Station on 08-01-2014 at 10 a.m for interrogation. b) If interrogation of the petitioner could not completed that day, he shall appear before the officer investigating the case on the day/days and time as directed by him which the petitioner shall comply. c) In case arrest of the petitioner is recorded, he shall be produced before the jurisdictional magistrate the same day. d) On such production learned magistrate shall release the petitioner (if not required to be detained otherwise) on his executing bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions: i) Petitioner shall deposit Rs.35,000/-(Rupees thirty five thousand only) in his name in a Nationalized Bank initially for a period of two years (renewable as per order of the learned magistrate) and produce the FD receipt before the learned magistrate within three weeks from the date of his release on bail. ii) In case the case is decided against the petitioner and compensation is awarded to the defacto complainat, such B.A.No.8509 of 2013 3 compensation can be realized from the amount in deposit. iii) Petitioner shall report to the officer investigating the case on every Saturday between 10 a.m

and 12 p.m for a period of two months or until filing of the final report, whichever is earlier. iv) Petitioner shall report to the officer investigating the case as and when required for interrogation. v) Petitioner shall co-operate with the investigation of the case. vi) Petitioner shall not, during the period of this bail get involved in any offence. vii) Petitioner shall not intimidate/influence the witnesses. viii) In case any of condition Nos.(i) and (iii) to (vii) is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the learned magistrate as held in P.K.Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH, JUDGE. AS /True Copy/ P.A. to Judge

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