

Radhakrishnan @ Babu Vs. State of Kerala

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Court : Kerala

Decided On : Apr-02-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Radhakrishnan @ Babu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN WEDNESDAY, THE 2D DAY OF APRIL 2014 12TH CHAITHRA, 1936 Bail Appl..No. 2274 of 2014 (D) ----- AGAINST THE

ORDER

IN CMP14622014 of J.M.F.C.-I, MAVELIKKARA DATED 2103-2014 CRIME NO. 369/2014 OF MAVELIKKARA POLICE STATION , ALAPPUZHA ACCUSED(S)/PETITIONER/ACCUSED NO3

----- RADHAKRISHNAN @ BABU AGED 57 YEARS S/O.DAMODARAN, SHIJO BHAVAN, BHARANIKAVU NORTH MURI KATTANAM VILLAGE BY ADVS.SRI.K.SASIKUMAR SRI.R.ROHITH COMPLAINANT(S)/RESPONDENT: -----

STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION

ON0204-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
JJJ N.K. BALAKRISHNAN, J.

----- B.A. No. 2274 of 2014 (D)
----- Dated this the 2nd day of April, 2014

ORDER

The petitioner is the 3rd accused in Crime No.369/2014 of Mavelikara Police Station. The offence alleged is under section 420 r/w 34 of IPC.

2. The petitioner has been in custody since 18.03.2014.

3. It is alleged that this petitioner and other accused persons induced the complainant to believe that the petitioner will arrange loan of Rs.50 lakhs at a low rate of interest. For that purpose they induced her to pay Rs.4,60,000/- and thus the petitioner and others cheated the complainant without arranging loan as promised.

4. The learned counsel for the petitioner submits that, in fact, the petitioner was kidnapped by some other persons at the instigation of another lady and while he was B.A. No. 2274/2014 (D) -2- brought to the Police Station, the complainant in this case saw the petitioner and based on the statement given by her, this case has been registered against the petitioner. The petitioner contends that the allegations are not true.

5. Considering the period of detention already undergone by the petitioner and in view of the submission made on behalf of the petitioner that he will abide by any condition that may be imposed on him, the petitioner is granted bail subject to the following conditions: (i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate. If in case the Magistrate has any doubt about the genuineness or correctness of the tax receipts produced by the sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds B.A. No. 2274/2014 (D) -3- of the sureties. (ii) The petitioner shall make himself available for interrogation by the Investigating Officer

and shall appear before the Investigating Officer on all Mondays, Wednesdays and Fridays between 9.30 AM to 11.30 AM until further orders. (iii) The petitioner shall surrender his original passport before the learned Magistrate. If he is not having any valid passport, he should file an affidavit regarding the same before the Magistrate. (iv) The petitioner will also file an affidavit that he will abide by all the conditions as mentioned above and that he will not commit any offence similar to the offence involved in this case and will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from B.A. No. 2274/2014 (D) -4- disclosing such facts to the court or to any police officer or tamper with the evidence. (v) The petitioner shall not leave India without the prior permission of the learned Magistrate. (vi) The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc. The passport will be produced and/or the affidavit mentioned earlier will be filed within 10 days from the date of release from jail. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy//
P.A. to Judge jjj

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