SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Suresh Kumar Vs. State of Kerala

Suresh Kumar Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1141789

Court : Kerala

Decided On : May-23-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Suresh Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY, THE23D DAY OF MAY20142ND JYAISHTA, 1936 Bail Appl..No. 2852 of 2014 () ---------- CRIME NO. 248/2014 OF MAVELIKKARA POLICE STATION, ALAPPUZHA DISTRICT ---------- PETITIONER/ACCUSED : ---------- SURESH KUMAR, AGED48YEARS S/O.G.SIVARAMA PILLA, USHASHREE, THATTARAMBALAM MAVELIKARA. BY ADVS.SRI.S.RAJEEV SRI.K.K.DHEERENDRA KRISHNAN RESPONDENTS / STATE : ---------- 1. STATE OF KERALA REP. BY PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM - 682 031 (CRIME NO.248/2014 OF MAVELIKARA POLICE STATION ALAPPUZHA DISTRICT) 2. STATION HOUSE OFFICER MAVELIKARA POLICE STATION ALAPPUZHA DISTRICT - 690 101 (CRIME NO.248/2014 OF MAVELIKARA POLICE STATION ALAPPUZHA DISTRICT.) R1 & R2 BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2305-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn THOMAS P. JOSEPH, J ---------- B.A.No.2852 of 2014 ---------- Dated this the 23rd day of May, 2014

ORDER

Petitioner is accused in Crime No.248 of 2014 of the Mavelikara Police Station for the offences punishable under Sections 406, 420 and 294(b) of the Indian Penal Code, apprehends arrest and has filed the application.

2. Learned Public Prosecutor has opposed the application.

3. Learned Public Prosecutor submits that as per version of the de facto complainant, Rs.40 lakhs and 150 sovereigns of gold ornaments were collected by the petitioner from the de facto complainant on various dates from 13.12.2007 onwards on a promise to re-pay the amount and to arrange 15 cents with building for the de facto complainant.

4. Learned counsel submits that the allegations are not true and that various cases are being registered against the petitioner at the instance of the de facto complainant and on the influence of a Police officer who is closely related to the defacto complainant. It is submitted that in several of the cases the petitioner was granted pre-arrest bail.

5. Having regard to the nature of allegations, I am inclined to grant relief to the petitioner but subject to conditions B.A.No.2852 of 2014 2 and protecting the interest of the de fact complainant as well. Application is allowed as under: (i) Petitioner shall surrender before the Officer investigating Crime No.248 of 2014 of the Mavelikara Police Station on 30.05.2014 at 10 a.m for interrogation. (ii) In case interrogation is not completed that day, it is open to the officer concerned to direct presence of the petitioner on other day/days and time as may be specified by him which the petitioner shall comply. (iii) In case arrest of the petitioner is recorded, he shall be produced before the jurisdictional magistrate the same day. (iv) On such production, the petitioner shall be released on bail, (if not required to be detained otherwise) on his executing bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions: (a) One of the sureties

shall be a close relative of the petitioner. (b) Petitioner shall, while executing the bond file affidavit detailing the immovable properties he owns and undertaking that he shall not, until disposal of the case or except with the permission of the jurisdictional magistrate alienate or encumber the said properties. B.A.No.2852 of 2014 3 (c) Petitioner shal , within one week from the date of his release on bail file an attested copy of the aforesaid affidavit before the Sub Registrar concerned. (d) Petitioner shall report to the officer investigating the case on every alternate Saturday between 10.00 a.m and 12.00 p.m for a period of two months or until filing of the final report whichever is earlier. (e) Petitioner shall report to the Investigating Officer as and when required for interrogation. (f) Petitioner shall not get involved in any offence during the period of this bail. (g) Petitioner shall not intimidate or influence the witnesses. (v) In case the petitioner violates any of condition Nos.(c) to (g), it is open to the investigating officer t or the de facto complainant o move the learned magistrate for cancellation of the bail as held in P.K.Shaji v. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH, JUDGE. AS /True Copy/ P.A. to Judge

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com