

Salil Kumar Vs. State of Kerala

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Court : Kerala

Decided On : May-29-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Salil Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN THURSDAY, THE 29^H DAY OF MAY 2014 8TH JYAISHTA, 1936 Bail Appl..No. 3658 of 2014 ()
----- CRIME NO. 417/2014 OF KOVALAM POLICE STATION ,
THIRUVANANDAPURAM PETITIONER/2ND ACCUSED:-:
----- SALIL KUMAR, AGED 34 YEARS,
S/O.SIVADASAN, T.C.67/C-1634, NEDUMOM, KOVALAM,
THIRUVANANTHAPURAM. BY ADV. SRI.GOPAKUMAR R.THALIYAL
RESPONDENT/STATE/COMPLAINANT:-:
----- STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,
KOCHI - 682 031. BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 29-05-2014, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING: BP N.K.
BALAKRISHNAN, J.

----- Dated this the 29th day of May, 2014

ORDER

The petitioner is the 2nd accused in Crime No.417/2014 of Kovalam Police Station, Thiruvananthapuram District. Offences alleged are under sections 420, 406 and 120(b) r/w 34 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. Crime was registered when the complaint filed by the sister of the petitioner was forwarded to the Police for investigation under section 156(3) of Cr.P.C. Dispute is with regard to some documents. It is alleged that the accused committed cheating and criminal breach of trust.

3. The learned counsel for the petitioner submits that documents were with the 1st accused, who is a foreign national. He had already left India. Therefore, the petitioner cannot return the original document mentioned in B.A. No. 3658/2014 - 2- the complaint filed by the complainant, it is submitted.

3. Considering all the aspects the following directions are issued: The petitioner shall surrender before the Investigating Officer within ten days from today. After interrogation the accused shall be produced before the learned Magistrate. When applied for bail by the accused, the learned Magistrate will, considering the nature of the case, grant bail to the petitioner but on the following conditions: a. 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. 3658/2014 -3- of the sureties. b. The petitioner shall make himself available for interrogation by the Investigating Officer and shall appear before the Investigating Officer on all alternate Wednesdays between 9.30 AM to 11.30 AM until further orders. c. The petitioner shall surrender his original passport before the learned jurisdictional Magistrate. If he is not having any valid passport, he should file an

affidavit regarding the same before the Magistrate. d. 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 disclosing such facts to the court or to B.A. No. 3658/2014 -4- any police officer or tamper with the evidence. e. The petitioner shall not leave India without the prior permission of the learned Magistrate. f. The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc.

Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to Judge jjj

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