

Shyam Kumar Vs. State of Kerala

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Court : Kerala

Decided On : Jun-10-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Shyam Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE 10TH DAY OF JUNE 2014 20TH JYAISHTA, 1936 Bail Appl..No. 3740 of 2014 ()
----- CRIME NO. 917/2013 OF PULIKEEZHU POLICE STATION , PATHANAMTITTA PETITIONERS: ----- 1. SHYAM KUMAR AGED 40 YEARS S/O.R.BALACHANDRAN OF MEENATHERIL PUTHEN VEEDU KATTACHIRA PALLICKAL P.O, KAYAMKULAM ALAPUZHA DISTRICT PRESENTLY RESIDING AT HB 462ND CROSS ROAD PANAMPILLY NAGAR, KOCHI-682 036 2. AJIMOL P.J.

AGED 40 YEARS W/O.SHYAM KUMAR OF MEENATHERIL PUTHEN VEEDU KATTACHIRA PALLICKAL P.O, KAYAMKULAM ALAPUZHA DISTRICT PRESENTLY RESIDING AT HB 462ND CROSS ROAD PANAMPILLY NAGAR, KOCHI-682 036 BY ADV. SRI.NISHIN GEORGE VIJAYABABU RESPONDENTS: ----- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE PULIKEEZHU POLICE STATION. BY PUBLIC PROSECUTOR: ADV. V S SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 1006-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P. JOSEPH, J.

===== B.A.No.3740 of 2014
===== Dated this the 10th day of June, 2014

ORDER

Petitioners are accused in Crime No.917 of 2013 of the Pulikeezhu Police Station for the offences punishable under Secs.120B and 420 r/w Sec.34 of the Indian Penal Code, apprehend arrest and have filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that the petitioners agreed to supply a generator set to the de facto complainant and collected `4,35,000/-. Later, consequent to discussion the parties had, the first petitioner issued cheque for repayment of the amount. That cheque was dishonoured for insufficiency of funds. The de facto complainant has filed complaint before the jurisdictional magistrate for the aforesaid offences under Sec.138 of the Negotiable Instruments Act. Simultaneously, the de facto complainant has filed a private complaint for the aforesaid offences which was forwarded to the police for investigation.

3. I have heard the learned counsel for the petitioners. It is submitted that the petitioners have not committed any offence. B.A.No.3740 of 2014 2 4. On hearing both sides, I am inclined to think that custodial interrogation of the petitioners is not required. Hence I am inclined to grant relief but subject to conditions. The application is allowed as under: (i) Petitioners shall surrender before the officer investigating Crime No.917 of 2013 of the Pulikeezhu Police Station on 17.06.2014 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 petitioners on other day/days and time as may be specified by him which the petitioners shall comply. (iii) In case arrest of the petitioners is recorded, they shall be released by the arresting officer on bail (if not required to be detained otherwise) on their

executing bond for `25,000/- (Rupees Twenty Five Thousand Only) each with two sureties each for the like sum each before the arresting officer and subject to the following conditions: (a) One of the sureties shall be a close relative of any of the petitioners. (b) Petitioners shall report to the officer investigating Crime No.917 of 2013 of the Pulikeezhu Police Station on all alternate Saturday between 10a.m and 12p.m for a period of two months or till final B.A.No.3740 of 2014 3 report is filed, whichever is earlier. (c) Petitioners shall report to the Investigating Officer as and when required for interrogation at reasonable time and place. (d) Petitioners shall not get involved in any offence during the period of this bail. (e) Petitioners shall not intimidate or influence the witnesses. (f) In case the petitioners violate any of condition Nos.(b) to (e), it is open to the investigating officer to move the jurisdictional magistrate for cancellation of the bail as held in P.K Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P.JOSEPH, JUDGE. Sbna True Copy P A to Judge

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