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Manju Vs. Anilkumar @ Anil

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Court : Kerala

Decided On : Jun-16-2014

Judge : Honourable Mr.Justice V.K.Mohanan

Appellant : Manju

Respondent : Anilkumar @ Anil

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH MONDAY,THE16H DAY OF JUNE201426TH JYAISHTA, 1936 Bail Appl..No. 4075 of 2014 () ---------- CRIME NO. 918/2013 OF KOTTAYI POLICE STATION , PALAKKAD DISTRICT ---------- APPLICANT/ACCUSED NO.2: ---------- SHOUKATHALI, AGED47YEARS, S/O KUNHU MOHAMMED, PONNUMANGALYAM VEEDU, ETHANOOR,KODUVAYOOR, CHITTUR, PALAKKAD. BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL) RESPONDENT/COMPLAINANT: ---------- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1606-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts THOMAS P. JOSEPH, J.

---------- Bail Appl.No. 4075 of 2014 () ----------

Dated this the 16th day of June, 2014

ORDER

Petitioner is the second accused in Crime No.918 of 2013 of the Kottayi Police Station for the offences punishable under Sections 417 & 420 read with Section 34 of the Indian Penal Code, apprehends arrest and has filed the application. 2.The learned Public Prosecutor has opposed the application. It is submitted that there an agreement for sale was executed between the first accused and the de facto complainant concerning 70 cents, petitioner and second accused obtained `38,50,000/- from the de facto complainant but later, without knowledge of the de facto complainant, sold the property to the third accused. The third accused conveyed 35 cents to the de facto complainant. 3.The learned counsel submits that allegations are not Bail Appl.No. 4075 of 2014 () 2 true. According to the petitioner, the de facto complainant intended to purchase only 35 cents. 4.Having regard to the nature of allegations and the investigation required to be done, I am satisfied that custodial interrogation of the petitioner is not required. Hence, I am inclined to grant relief to the petitioner but subject to conditions. The application is allowed as under :

1. Petitioner shall surrender before the officer investigating the case on 24.06.2014 at about 10 am for interrogation.

2. In case interrogation is not completed that day, the petitioner shall appear before the officer investigating the case on any other day/days and time as directed by the investigating officer. Bail Appl.No. 4075 of 2014 () 3 3. The petitioner shall co-operate with investigation of the case.

4. In case the petitioner is arrested, he shall be released on bail (if not required to be detained otherwise) by the arresting officer on his executing bond for `20,000/- (Rupees twenty thousand only) with two sureties 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 the petitioner. b. Petitioner shall report to the investigating officer as and when required for interrogation. c. Petitioner shall not influence or intimidate any of the witnesses. Bail Appl.No. 4075 of 2014 () 4 d.

Petitioner shall not get involved any offence during the period of this bail. e. In case any of conditions Nos.(b) to (d) is violated, it is open to the investigating officer to file application before the jurisdictional magistrate for cancellation of the bail granted hereby, as held in P.K.Shaji v.State of Kerala [AIR 2006 SC100. sd/- THOMAS P. JOSEPH JUDGE AMV /TRUE COPY/ P.A.TO JUDGE

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