

Sunil Dath Vs. State of Kerala

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Court : Kerala

Decided On : Jul-04-2014

Judge : Honourable Mr. Justice K.Abraham Mathew

Appellant : Sunil Dath

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW FRIDAY, THE 4TH DAY OF JULY 2014 13TH ASHADHA, 1936 Bail Appl..No. 4762 of 2014 ()
----- CRIME NO. 354/2014 OF BALUSSERY POLICE STATION , KOZHIKODE PETITIONER(S): ----- 1. SUNIL DATH S/O. SREEDHARAN NAIR, AGED 46 YEARS GOKULAM (MEETHALE VEETIL) HOUSE, VATTOLI BAZAR P.O. KOZHIKODE.

2. PRIYA SUNIL DATH W/O. SUNIL DATH, AGED 37 YEARS GOKULAM (MEETHALE VEETIL) HOUSE, VATTOLI BAZAR P.O. KOZHIKODE. BY ADVS.SRI.SANTHARAM.P SMT.REKHA ARAVIND RESPONDENT(S): ----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM, KOCHI -31 THROUGH STATION HOUSE OFFICER BALUSSERY POLICE STATION, KOZHIKODE DISTRICT. R BY PUBLIC PROSECUTOR, SRI. C. RASHEED THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-07-2014, THE

COURT ON THE SAME DAY PASSED THE FOLLOWING: das K. ABRAHAM MATHEW, J.

----- B.A. No. 4762 of 2014
----- Dated this the 4th day of July, 2014

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No. 354/2014 of Balussery Police Station, which has been registered for offences under sections 120B and 420 of IPC, section 17 of Kerala Money Lenders Act and section 4 of Chit Funds Act.

3. It is alleged that though they had authority to conduct one chitty, they conducted six number of chitties. They represented to the subscribers that they had the authority to do so; and they failed to pay the amounts which have been paid by the subscribers. It is submitted that the 2nd petitioner is not at all involved in the business of the 1st petitioner and she has not committed any offence. It is further submitted that the 1st petitioner has paid the amount to the subscribers. B.A. No. 4762 of 2014 -2- 4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. The 1st petitioner is said to be the Director of the Company which conducted the chitty. The 2nd petitioner is not a Director. In view of this fact, I am inclined to grant the prayer of the 2nd petitioner. It is not in dispute that the 1st petitioner's Company had authority to conduct only one chitty, but it conducted about six number of chitties. It means that it was doing illegal business. It was on the representation that the Company had authority to conduct six number of chitties, people subscribed to it. Prima facie, section 420 of IPC is attracted. So I am not inclined to grant the prayer of the 1st petitioner. In the result this application is allowed in part. The 2nd petitioner shall be released on bail on her executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with B.A. No. 4762 of 2014 -3- two solvent sureties each for the like sum if she is arrested by the Police in connection with this case. She shall appear before the Investigating Officer if he

is so required by him in writing. The application is dismissed so far as the 1st petitioner is concerned. Sd/- K. ABRAHAM MATHEW, JUDGE //True Copy// P.A. to Judge jjj

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