

Manoj Vs. State of Kerala

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Court : Kerala

Decided On : Oct-21-2014

Judge : Honourable Mr. Justice B.Kemal Pasha

Appellant : Manoj

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE B.KEMAL PASHA TUESDAY, THE 21ST DAY OF OCTOBER 2014 29TH ASWINA, 1936 Bail Appl..No. 6357 of 2014 () ----- CRIME NO. 443/2014 OF CHANGARAMKULAM POLICE STATION , MALAPPURAM APPLICANTS/ACCUSED: ----- 1. V.C. VARGHESE, AGED 42 YEARS S/O.(LATE) THOMAS CHANDY M/S. SNOCAP ICE CREAMS(P) LTD, KORATTIKKARA P.O VATTAMAVU, THRISSUR PIN 680543 2. HASHIM B AGED 38 YEARS S/O.BASHEER, LAZZA ICE CREAMS 283110 PONNETH TEMPLE ROAD, KADAVANTHRA COCHIN PIN 682020. BY ADVS.SRI.PRASUN.S SRI.PAUL MATHEW (PERUMPILLIL) SRI.P.V.SREENIJIN SMT.K.B.SONY RESPONDENTS/COMPLAINANT-STATE: ----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM PIN 682031 REPRESENTING THE S.I OF POLICE CHANGARAMKULAM POLICE STATION BY PUBLIC PROSECUTOR V.S. SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-10-2014, THE COURT ON THE SAME DAY

PASSED THE FOLLOWING: B.KEMAL PASHA, J.

..... B.A. No.6357 of 2014
..... Dated this the 21st day of October, 2014

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.443/2014 of Changaramkulam Police Station, Malappuram registered for the offences punishable under Sections 506 and 420 read with Section 34 IPC.

3. The allegation against the petitioners is that they did not pay the wages of the defacto complainant who was working under them at 'Lazza Ice Creams' thereby the defacto complainant left the job. Thereafter, he was criminally intimidated by the petitioners by stating that they would transform the blank signed cheque leaves of the defacto complainant which were obtained as security from B.A.No.6357 of 2014 -:

2. :- him earlier and would present it before Bank, and also would do away with the defacto complainant.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor.

5. On hearing either sides, this Court is of the view that there are no sufficient materials to connect the petitioners with the offence alleged. The custodial interrogation of the petitioners is not required for the continued investigation of the case. Considering the facts and circumstances of this case, this Court is of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for `25,000/- (Rupees twenty five thousand only) with two solvent sureties each for B.A.No.6357 of 2014 -:

3. :- the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:- (i) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 28.10.2014 for a period of three months or till the filing of the final report in this case, whichever is earlier. (ii) The petitioners shall not tamper with the evidence or influence witnesses. (iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer. (iv) The petitioners shall not involve in any offence while on bail. It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail. Sd/- B.KEMAL PASHA, JUDGE ul/- [True copy] P.S. to Judge

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