

Arya Michael, vs State of Kerala,

Arya Michael, vs State of Kerala,

SooperKanoon Citation : sooperkanoon.com/1283249

Court : Kerala Orders

Decided On : Apr-09-2025

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Bail Appl./6819/2024

Appellant : Arya Michael,

Respondent : State of Kerala,

Judgement :

BAIL APPL. Nos.6819 & 6820 OF 2024 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 9TH DAY OF APRIL 2025 / 19TH CHAITHRA, 1947
BAIL APPL. NO. 6819 OF 2024 CRIME NO.868/2024 OF Kottayam East
Police Station, Kottayam PETITIONER/S:

ARYA MICHAEL, AGED 35 YEARS D/O. MICHAEL ABRAHAM,
OLICKAL (H), NEELOOR (P.O.), KOTTAYAM, PIN - 686651
RESPONDENT/S: 1 STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN -
682031 2 STATION HOUSE OFFICER, KOTTAYAM EAST POLICE

STATION, KOTTAYAM, PIN - 3 SANOOP, S/O. SHIBU,
PUTHUPPARAMPIL HOUSE, MUTTAMBALAM P.O., KOTTAYAM
(SOUGHT TO BE IMPEADED) BY ADV R.PADMAKUMARI

OTHER PRESENT: SR PP-NOUSHAD K A THIS BAIL APPLICATION HAVING
COME UP FOR ADMISSION ON 09.04.2025, ALONG WITH Bail
Appl..6820/2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: BAIL APPL. Nos.6819 & 6820 OF 2024 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 9TH DAY OF APRIL 2025 / 19TH CHAITHRA, 1947 BAIL
APPL. NO. 6820 OF 2024 CRIME NO.869/2024 OF Kottayam East Police Station,
Kottayam PETITIONER/S:

ARYA MICHAEL, AGED 35 YEARS D/O. MICHAEL ABRAHAM, OLICKAL (H),
NEELOOR (P.O.), KOTTAYAM, PIN - 686651 RESPONDENT/S: 1 STATE OF
KERALA, REPRESENTED BY PUBLIC PROSECUTOR, DISTRICT AND
SESSIONS COURT, KOTTAYAM, PIN - 682031 2 STATION HOUSE OFFICER,
KOTTAYAM EAST POLICE STATION, KOTTAYAM, PIN - 3 ANATHU, S/O.
RAMADAS, NEAR VATTAMOODU PALAM, SH MOUNT P.O., VIJAYAPURAM,
KOTTAYAM (SOUGHT TO BE IMPEADED)

BY ADV R.PADMAKUMARI THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 09.04.2025, ALONG WITH Bail Appl..6819/2024, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING: BAIL APPL. Nos.6819 &
6820 OF 2024 3 P.V.KUNHIKRISHNAN, J ----- B.A. Nos.
6819 & 6820 of 2024 ----- Dated this the 9th day of April,
2025

ORDER

These bail applications are connected and therefore, I am disposing of these bail
applications by a common order.

2. The petitioner is an accused in Crime No. above cases are registered against the petitioner alleging offences punishable under Secs. 406 and 420 IPC.

3. The prosecution case is that the petitioner

along with the other accused with intention to deceive and cheat the defacto complainant in these cases, promised to secure job in US army and collected huge amount. The job is not provided and the amount is also not returned. Hence, these bail applications. BAIL APPL. Nos.6819 & 6820 OF 2024 4

4. When these bail applications came up for

consideration, this Court referred the matter for mediation. After mediation, a memorandum of agreement signed by both sides is filed, in which it is stated that the matter is settled. It will be better to extract the memorandum of settlement. The parties have settled the dispute between them on the following terms and conditions:

1. Mr. Shine Jyothi Sathya on behalf of the petitioner is

issuing a cheque No.451401 dated 21/03/2025 for Rs.2,36,800/- (Rupees Two lakhs thirty six thousand eight hundred only) drawn on Indian Bank, Thiruvananthapuram Branch favouring the Respondent No.3, Sanoop, the defacto complainant in Crime No. 868/2024 of Kottayam East Police Station towards full and final settlement of the entire disputes between the petitioner herein and respondent No.3.

2. The defacto complainant undertakes that he shall not initiate any further proceedings or complaints before any Court, Forum etc.

3. The Accused is filing Crl MC before this Hon'ble Court for quashing the above crime and the defacto complainant undertakes to render necessary assistance for the same.

5. When these bail applications came up for

consideration, the learned counsel appearing for the defacto BAIL APPL. Nos.6819 & 6820 OF 2024 5 complainant submitted that the amount as per the mediation is not received. The case was posted for the payment of the amount. At last on 07.04.2025, the counsel for the petitioner submitted that he is relinquishing the vakalath and the amount is not paid as per the settlement. The same was recorded and this Court vacated the interim order as per the

order dated 07.04.2025. The order dated 07.04.2025 is

extracted hereunder : It is submitted that the petitioner has not complied with the conditions as per the settlement. If that is the case, the interim order is vacated. Adv. Renjith.B.Marar submitted that, he is relinquishing the Vakalath. The same is recorded. Post on 09.04.2025.

6. The petitioner violated the mediation

agreement. In such circumstances, I am not inclined to exercise the discretionary jurisdiction to grant bail to the petitioner. With the above observation, these bail applications BAIL APPL. Nos.6819 & 6820 OF 2024 6 are dismissed. Sd/-
P.V.KUNHIKRISHNAN JUDGE SKS

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com