

C.P John vs State of Kerala

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Court : Kerala

Decided On : Jun-30-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./5101/2023

Appellant : C.P John

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 30TH DAY OF JUNE 2023 / 9TH ASHADHA, 1945 BAIL APPL. NO. 5101 OF 2023 CRIME NO.897/2015 OF Thiruvalla Police Station, Pathanamthitta CC 3157/2016 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, THIRUVALLA PETITIONER/ACCUSED: C.P JOHN AGED 60 YEARS S/O. C.V. PHILIPOSE CHANDRAVIRUTHIL VEEDU, KULAKKADU P.O. THIRUVALLA, PATHANAMTHITTA, PIN - 689101

BY ADV JAI GEORGE RESPONDENT/STATE & COMPLAINANT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 BY ADV.SMT.V.SREEJA, PUBLIC

PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.5101/2023 2

BECHU KURIAN THOMAS, J.

----- B.A.No.5101 of 2023 ----- Dated
this the 30th day of June, 2023

ORDER

This application is filed under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail.

2. Petitioner is the accused in Crime No.897 of 2015 of

Thiruvalla Police Station, Pathanamthitta District, now pending as C.C.No.3157 of 2016 on the files of the Judicial First Class Magistrate Court, Thiruvalla. The offence alleged against the petitioner is under Section 420 of the Indian Penal Code, 1860.

3. According to the prosecution, the accused had with

intent to cheat the defacto complainant, induced him to invest in a shop room to be constructed by paying huge amounts and thereafter, failed to hand over the building nor return the amount and thereby committed the offence alleged.

4. I have heard Sri.Jai George, learned counsel for the petitioner, as well as Smt.T.V.Neema, learned Public Prosecutor.

5. Petitioner is alleged to have cheated various persons

including the defacto complainant by failing to construct a shop room as promised or return the amounts invested by them. B.A.No.5101/2023 3 Petitioner was absconding for several years and he was finally arrested on 20.05.2023. In a similar case against the very same petitioner, this Court had granted bail on 26.06.2023 in B.A.No.4921 of 2023.

6. Considering the nature of allegations and the period of

detention already undergone, I am of the view that further detention of the petitioner is not essential and that the petitioner can be released on bail on strict conditions.

7. Accordingly, I allow this application with the following conditions:-

(a) Petitioner shall be released on bail on him executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.

(b) Petitioner shall appear before the trial court on every posting date and shall co-operate with the trial of the case.

(c) Petitioner shall not intimidate or attempt to influence the witnesses ; nor shall he attempt to tamper with the evidence.

(d) Petitioner shall not commit any similar offences while he is on bail.

(e) Petitioner shall not travel outside Kerala and shall surrender the passport. If the passport has already been surrendered an affidavit to that effect shall be submitted.

In case of violation of any of the above conditions, the B.A.No.5101/2023 4 jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court. Sd/- BECHU KURIAN THOMAS JUDGE csl

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