

Anilkumar K vs State of Kerala

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Court : Kerala

Decided On : Oct-14-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./210/2021

Appellant : Anilkumar K

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
FRIDAY, THE 14TH DAY OF OCTOBER 2022 / 22ND ASWINA, 1944
BAIL APPL. NO. 210 OF 2021 CRIME NO.633/2020 OF ERNAKULAM
SOUTH POLICESTATION PETITIONER/ACCUSED: 1 ANILKUMAR
K.,AGED 50 YEARS AMBADY, KALoor KADAVANTHRA ROAD,
ELAMKULAM, KOCHI ERNAKULAM, PIN - 682017 2 INDU,AGED 51
YEARS WIFE OF AJAYAKUMAR, SREEPADAM, OPPOSITE BLUE
MOON APARTMENT, PALATHURUTHU, KOCHI,ERNAKULAM, PIN -
682020 BY ADV LINDONS C.DAVIS RESPONDENT: 1 STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA ERNAKULAM, PIN - 682031 ADDL.R2 P.A.SAMUEL,

PATTERATH HOUSE, VAYYALLIPUZHA, P.O.CHITTAR, PATHANAMTHITTA-689 663. IS IMPEADED AS PER ORDER DATED 14.10.2022 IN CRL.M.A.NO.2/2021 OTHER PRESENT: PP - SMT. NIMA JACOB THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BA No.210 of 2021 2

VIJU ABRAHAM, J.

B.A.No.210 of 2021 Dated this the 14th day of October, 2022

ORDER

This is an application for anticipatory bail.

2. Petitioners are arrayed as accused in Crime No.633 of

2020 of Ernakulam South Police Station, registered alleging commission of offences punishable under Sections 406 and 420 of the Indian Penal Code (in short, IPC).

3. The prosecution allegation is that the 2nd accused who is

the Managing Director of Carmbel India Pvt. Ltd had purchased goods from the defacto complainant and he had paid a portion of the amount and issued a cheque for the balance amount. However the amount has not been paid so far. Thus the abovesaid crime is registered.

4. When the matter was taken up for consideration, the learned Public Prosecutor upon instruction submitted that final report is already filed in this case..

5. Heard both sides. The learned Public Prosecutor submitted that investigation is over and final report has been submitted. If so, the arrest and detention of the petitioner is not necessary for the purpose of BA No.210 of 2021 3

investigation. It is seen from the case file that this Court has already granted an interim order that the petitioners shall not be arrested until further orders. Since the

investigation is over and final report has been filed, the petitioner need not be arrested or detained and hence this bail application can be allowed with the following directions:

(i) Petitioners shall surrender before the jurisdictional court within three weeks and seek for regular bail.

(ii) Meanwhile in the event of arrest, the petitioners shall be

released on bail on executing a bond for Rs.50,000/-(Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court.

(iii) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) They shall not tamper with the evidence.

(v) They shall not commit any offence while on bail.

In case of violation of any of the above conditions, the jurisdictional court is empowered to cancel the bail, in accordance with law. Sd/- VIJU ABRAHAM
JUDGE cks

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