

Hareesh Babu vs State of Kerala

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Court : Kerala

Decided On : Oct-06-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./7295/2022

Appellant : Hareesh Babu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS THURSDAY, THE 6TH DAY OF OCTOBER 2022 / 14TH ASWINA, 1944 Crime No.415 of 2022 of Kondotty Police Station, Malappuram PETITIONER/S: HAREESH BABU AGED 44 YEARS S/O.SIVARAMAN, UTTOLY HOUSE, THALORE DESOM, THRIKKUR VILLAGE, MUKUNDAPURAM TALUK, THRISSUR, PIN - 680306 BY ADVS. C.A.CHACKO C.M.CHARISMA RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 BY ADV PUBLIC PROSECUTOR OTHER PRESENT: PP SRI.NOUSHAD K.A THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06.10.2022, THE COURT ON THE

SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

B.A. No. 7295 of 2022 Dated this the 6th day of October, 2022

ORDER

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

2. Petitioner is the 2nd accused in Crime No.415 of 2022 of

Kondotty Police Station, Malappuram District. The offences alleged against the petitioner are punishable under Section 420 r/w Section 34 of the Indian Penal Code, 1860 and Section 4 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 apart from Sections 21(1), 21(2) & 21(3) of the Banning of Unregulated Deposit Schemes Act, 2019.

3. According to the prosecution, the accused being the director of

a company named One Infotrade Pvt. Ltd. promoted an investment plan with intent to make an unlawful gain and canvassed the defacto complainant and obtained a deposit from her on 7-12-2020 and also compelled her to join other persons in the scheme, assuring a return of Rs.27,000/- per week for ten weeks within two years and failed to abide by the said promise and thereby caused a loss of Rs.23,00,000/- to the defacto complainant and thus committed the offences alleged.

4. Sri.C.A.Chacko, the learned counsel for the petitioner

contended that the prosecution allegations are false and the incident as alleged had not occurred. It was further submitted that petitioner was arrested on 02-08-2022 and that the continued detention is not essential for the investigation.

5. Sri. Noushad K.A., the learned Public Prosecutor opposed the

grant of bail and contended that the allegations against the petitioner are serious in nature and releasing him on bail at this juncture would cause prejudice to the investigation. In the result, this application is allowed on 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 Investigating Officer as and when required.

(c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the defacto complainant or her family members.

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

(e) Petitioner shall not leave India without the permission of the Court having jurisdiction. In case of violation of any of the above conditions, the

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. BECHU KURIAN THOMAS JUDGE AJM/6/10/22

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