

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 31ST DAY OF MAY 2018 / 10TH JYAISHTA, 1940

Bail Appl..No. 1990 of 2017

CRIME NO. 90/2017 OF MANKARA POLICE STATION , PALAKKAD

PETITIONER/ACCUSED:

C.L. MURALEEDHARAN, AGED 54 YEARS,
S/O.LAKSHMANAN,
CHOLAYIL HOUSE, MANNOOR, PALAKKAD DISTRICT.

BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENT/STATE:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI 31.

* ADDITIONAL R2 IMPEADED

2. MURALEEDHARAN, AGED 57 YEARS
SAROJALAYAM, KONIKKAZHI P.O.,
PULPATTA, PALAKKAD.

* ADDITIONAL R2 IS IMPEADED AS PER ORDER DATED 30.05.2017 IN CRL.M.A.
NO.5754/2017 IN B.A. NO.1990/2017

R1 BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR
ADDL.R2. BY ADV. SRI.L.RAJESH NARAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-05-2018, ALONG WITH
B.A.NO.2023 OF 2017 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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RAJA VIJAYARAGHAVAN V., J

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B.A. Nos. 1990 & 2023 of 2017

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Dated this the 31st day of May, 2018

ORDER

1. These applications are filed under Section 438 of the Code of Criminal Procedure.
2. The applicants 1 to 3 herein are the accused in Crime No. 90 of 2017 of the Mankara Police Station. The aforesaid crime was registered based on a complaint filed by the additional 2nd respondent before the learned Magistrate. The offences alleged are under Sections 120B, 417, 420 r/w Section 34 of the Indian Penal Code.
3. The de facto complainant is a retired army personnel. He was approached by the 1st accused and he offered to secure a seat for his son in a medical college. A sum of Rs.25,001/- was handed over in the month of April, 2016. Thereafter, he is alleged to have handed over about Rs.40 lakhs in instalments. In spite of receiving such a large sum of money, the accused failed to honour their commitment. Alleging that he was induced to part with money by deceiving him, the complaint was filed.

4. The learned counsel appearing for the applicants submitted that the transaction which the de facto complainant had was with one Suresh Babu. The aforesaid Suresh Babu is now no more. It is further contended that no reliance can be placed on the ipse dixit of the de facto complainant that he had handed over almost half a Crore in cash. This would show the falsity of the allegation is the submission.
5. The learned Public Prosecutor on the other hand has opposed the prayer. It is submitted that the investigation is in the preliminary stages and the applicants have kept them scarce.
6. In the course of proceedings, the de facto complainant was impleaded as additional 2nd respondent. The learned counsel submitted that the 2nd respondent is a person who had retired from the army and he has ample source for mobilising Rs.40 lakhs which was handed over.
7. I have considered the submissions advanced and I have gone through the case diary. Prima facie, it is far fetched to believe that such large sums of money was handed over by

way of cash, more so when the transactions are totally denied by the applicants. Furthermore, such transactions are prohibited under law. In that view of the matter, I find some merit in the submissions of the learned counsel appearing for the applicants. Furthermore, the prosecution has no case that the applicants are persons with criminal antecedents or that it would be difficult to secure their presence.

8. Having regard to the nature and gravity of the allegations, the custodial interrogation of the applicants does not appear to be necessary for an effective investigation. I am of the view that by imposing appropriate and stringent conditions, they can be granted bail.
9. In the result, this application will stand allowed. The applicants shall appear before the Investigating Officer within ten days from today and shall undergo interrogation. Thereafter, if they are proposed to be arrested, they shall be released on bail on their executing a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum. However, the above order shall be subject to the following conditions:

- i) They shall co-operate with the investigation and shall appear before the Investigating Officer on every Monday and Saturday between 10.a.m and 1 p.m for a period of two months or till the final report is filed whichever is earlier.
- ii) 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/ her from disclosing such facts to the court or to any police officer, nor shall they tamper with the evidence.
- iii) They shall not commit any similar offence while on bail.

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.

Sd/-
Raja Vijayaraghavan V.,
Judge

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P.S to Judge