

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
MONDAY, THE 31ST DAY OF MAY 2021 / 10TH JYAISHTA, 1943

BAIL APPL. NO. 2947 OF 2021

Crime No. 971 of 2020 of Kuruppampady Police Station,
Ernakulam District

PETITIONER/S:

BINOY
AGED 32 YEARS
SON OF POULOSE, PADIKKAMALIL HOUSE, RAYAMANGALAM
P.O., KUNNATHUNADU TALUK, ERNAKULAM, PIN - 683545

BY ADV S.RENJITH

RESPONDENT/STATE & COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,

HIGH COURT OF KERALA
ERNAKULAM, PIN - 682031

AJITH MURALI-PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31.05.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The instant application under Section 438 of the Cr.P.C. is preferred by the 2nd accused in Crime No.971/2020 of the Kuruppampady Police Station, registered under Sections 406, 420, 468 and 506 r/w Section 34 of the IPC. The crime was registered based on a complaint lodged by the de facto complainant before the learned Magistrate which was forwarded to the Police under Section 156(3) of the Cr.P.C.

2. The crux of the allegation is that the tipper lorry owned by the de facto complainant was sold to the 1st accused in the crime for a total consideration of Rs.26,75,000/-. Though there was an assurance to pay the amount in installments, the same was not done. Alleging that she was defrauded, the complaint was lodged.

3. The learned counsel appearing for the applicant submitted that the allegations against him are frivolous and vexatious.

4. The learned Public Prosecutor has opposed the prayer.

5. I have considered the submissions and have carefully evaluated the records. The dispute is in connection with the sale of a lorry. It is not reported that the applicant is a person with criminal antecedents. Having considered the facts and circumstances, I am of the view that the custodial interrogation of the applicant is not necessary for an effective investigation in the instant case.

In the result, this application will stand allowed, however, the same

shall be subject to the following conditions. The applicant shall appear before the Investigating Officer within ten days from today and shall undergo interrogation. Thereafter, if he is proposed to be arrested, he shall be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum. The above order shall be subject to the following conditions:

- i) The applicant shall cooperate with the investigation and shall appear before the Investigating Officer on all Saturdays between 9 a.m. and 11 a.m., for two months or till final report is filed, whichever is earlier.
- ii) He 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.
- iii) He 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

sru