

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 20TH DAY OF DECEMBER 2012/29TH AGRAHAYANA 1934

Bail Appl..No. 7259 of 2012 ()

(CRIME NO. 1405/2012 OF ERAVIPURAM POLICE STATION, KOLLAM DISTRICT)

PETITIONER/ACCUSED:

DILEEP LAL, AGED 39 YEARS  
S/O VELAYUDHAN PILLAI, VAYALIL VEEDU  
MANGADU VILLAGE, KILIKOLLOR, KOLLAM.

BY ADV. SRI.SUNNY ZACHARIA

RESPONDENT/COMPLAINANT :

1. STATE OF KERALA  
REPRESENTED BY THE SUB INSPECTOR OF POLICE  
ERAVIPURAM POLICE STATION, KOLLAM  
THROUGH THE LEARNED PUBLIC PROSECUTOR  
HIGH COURT OF KERALA.

ADDL.R2 IMPEADED :

2. VYTAS PAUL, NEW HOUSE,  
DHAVALAKKUZHY, MAYYANADU P.O.,  
KOLLAM DT PIN-691001.

ADDL.R2 IS IMPEADED AS PER ORDER DT. 4/10/2012 IN CRMA. 6688/2012.

R1 BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN  
R2 BY ADVS. SRI.R.SURAJ KUMAR  
SRI.M.KISHORKUMAR  
SRI.S.SUJESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 20-12-2012, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

BP

**P.BHAVADASAN, J**

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**B.A No.7259 of 2012**  
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**Dated this the 20<sup>th</sup> day of December, 2012**

**O R D E R**

The petitioner had impleaded the defacto complainant and notice was served on him. There is no representation on his behalf when the matter has taken up today for hearing.

2. After having heard the learned counsel for the petitioner, the learned Public Prosecutor and considering the fact that the crime has been registered on the basis of a private complaint and since it would appear that dispute is more of a civil nature, it is felt that extraordinary jurisdiction needs to be exercised in favour of the petitioner. Accordingly the petition is allowed as follows:

i) The petitioner shall surrender before the Investigating Officer on or before 28.12.2012, who after interrogation shall produce him before the JFCM concerned and on an application for bail moved by the petitioner, the learned Magistrate shall release the petitioner on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two solvent sureties for the like sum each to the satisfaction of the said Court.

ii) The learned Magistrate shall ensure the identity of the sureties and also the veracity of the tax receipts before granting bail.

l ii) The petitioner shall appear before the Investigating Officer concerned for interrogation as and when required by him until further orders.

iv) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness.

v) If any of the condition is violated, the bail granted shall stand cancelled and the JFCM concerned, on being satisfied of the said fact, may take such proceedings as are available to him in law.

**P.BHAVADASAN**  
**Judge**

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