

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 620 of 2015 ()

CRIME NO. 1303/2014 OF CANTONEMENT POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED NO. 1 :

**SREERAM S.K.,
S/O. K.SREEDHARAN, AGED 48, VILAYIL VEEDU, T.C.16/532
ELANKAVIL LANE, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM.**

BY ADV. SRI.T.K.ANANDA KRISHNAN

RESPONDENTS/COMPLAINANTS :

**1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA ERNAKULAM.**

**2. SUB INSPECTOR OF POLICE
CANTONMENT POLICE STATION,
STATUE, THIRUVANANTHAPURAM.**

***ADDL. R3 IMPEADED**

***ADDL.R3. SRI. DR. N. KRISHNAN KUTTY
S/O. NARAYANAN, SREE GOVINDAM, TC 2/1521(14)
KUZHIVAYALIL, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM.**

***ADDL. R3 IS IMPEADED AS PER ORDER DTD. 10/8/15 IN CRL.M.A. 7814/15
IN BA 620/15.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT. V.H. JASMINE
ADDL. R3 BY ADV. SRI.GOPAKUMAR R.THALIYAL**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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K.P. JYOTHINDRANATH, J.

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B.A.No.620 of 2015

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Dated this the 2nd day of December, 2015

O R D E R

When the application came up for hearing, the counsel for the petitioner submitted before me that, here is a case, where the petitioner is apprehending arrest and detention by the police. Petitioner is the 1st accused in Crime No.1303 of 2014 of Condonement Police Station, Thiruvananthapuram. It is the submission that the above crime is registered for an offence under Section 406, 420, 120(b) read with Section 34 of Indian Penal Code.

2. It is the submission that the above crime is registered upon a complaint forwarded under Section 156(3) of the Code of Criminal Procedure by the court. The counsel further submitted before me that the facts in a nut shell is that, the de facto complainant is none other than a Doctor who was treating the mother-in-law of the petitioner herein. It is the further submission that for the last so many

years, there was friendly relationship in between the petitioner and the de facto complainant. It is alleged that the petitioner promised to arrange a job for the daughter of the petitioner as well as arrange a marriage for her. On the said pretense, he was induced to part with ₹6,66,500/- and the same misappropriated. It is the further submission that the whole story now presented before the court is false.

3. It is case of the prosecution that a part of the said amounts utilised for the study of the petitioner's son, who did engineering, but actually, he had availed a bank loan for the same and it will belie the prosecution case.

4. It can be seen that the victim is also made a party in this case on orders of this court. The victim is represented by Adv. Gopakumar. The learned counsel vehemently submitted before me that here is a case, where by making false representation, and inducement, amounts

received and misappropriated. It is a fit case, where the petitioner has to be arrested by the police. Interrogation alone will reveal where accused concealed the money. Under the such circumstances, it may not be proper to invoke the extra ordinary jurisdiction vested upon this court. It is also the submission that only when the petitioner is arrested and interrogated, the investigating agency can bring out the fact that there is no nexus actually in between the Rajiv Gandhi Centre for Bio-Technology at Thiruvananthapuram and the petitioner. Hence this anticipatory bail application has to be dismissed.

5. I heard the Prosecution.

6. Prosecutor submitted before me that it is true that the crime is registered upon a complaint forwarded under Section 156(3) of Code of Criminal Procedure. As the crime is now registered by the police, it will be like any other crime investigated by police. Under such circumstances, it

may not be proper to grant anticipatory bail.

7. After considering the submissions and also considering the fact that the parting of money is from 2008 onwards and also keeping in mind that the crime is registered upon a complaint forwarded under Section 156 (3) of the Code of Criminal Procedure and further keeping in mind that, it appears that custodial interrogation is not warranted on the background of the allegations, I feel the following order can be passed.

(i). The petitioner shall appear before the Investigating Officer within 10 days from the date of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioner. After interrogation, if the police officer feels that the arrest of petitioner is necessary, he is at liberty to arrest the petitioner. Thereafter, if any recovery is necessary that also shall

be made. Thereafter, the petitioner shall be released on bail on executing a bond for ₹50,000/- with two solvent sureties each for the like amount to the satisfaction of the officer concerned.

(ii). Petitioner shall not commit similar offence during bail period.

(iii). Petitioner shall appear before the Investigating Officer on all Saturdays in between 10.00a.m. and 12 noon for a period of two months from the date of release on bail

(iv)petitioner shall not influence or intimidate the witnesses.

(v). Even after two months referred above, if the investigating officer requires the presence of the

petitioner herein, he can issue a written notice for the appearance of the petitioner and on such notice, the petitioner shall appear before the Investigating Officer on the date and time shown therein.

On the above conditions, this anticipatory bail application is allowed.

Sd/-
K.P.JYOTHINDRANATH
JUDGE

skr

//True copy//

PA to Judge