

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

BAIL APPL..NO. 1089 OF 2015

CRIME NO. 1182/2014 OF VANCHIYOOR POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED 1 & 2 :

- 1. MANOJ ARJUNAN, AGED 38 YEARS,
S/O.ARJUNAN, PULLOLIL HOUSE, PULLIYIL LANE,
PRASANTH NAGAR, THURUVIKKAL VILLAGE,
THIRUVANANTHAPURAM.**
- 2. LIJI MANOJ, AGED 33 YEARS,
W/O.MANOJ ARJUNAN, PULLOLIL HOUSE, PULLIYIL LANE,
PRASANTH NAGAR, THURUVIKKAL VILLAGE,
THIRUVANANTHAPURAM**

BY ADV. SRI.M.SREEKUMAR

RESPONDENT(S)/STATE & COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
VANCHIYOOR POLICE STATION, THIRUVANANTHAPURAM.**
- 3. INSPECTOR OF POLICE,
PETTAH POLICE STATION, PETTAH, THIRUVANANTHAPURAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
Bail Application No. 1089 of 2015

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Dated this the 5th day of March, 2015.

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.1182/2014 of Vanchiyoor registered for the offences punishable under Sections 420 and 506(1) read with Section 34 of the IPC Act.

3. The first accused is the husband of the second petitioner. The learned counsel for the petitioners has reported that the first accused has already been placed under arrest and therefore this petition as far as the first accused is concerned, has become infructuous.

4. The allegation against the petitioner and the other accused is that they have induced the de-facto complainant to invest an amount of Rs.1,25,00,000/- in international trading business, and thereby she handed over the said amounts to them on their false representation that the said amount would be invested in international trading and huge profit would be given to

the de-facto complainant. Ultimately, the petitioner and her husband have defrauded and cheated the de-facto complainant and an amount of Rs.5 lakhs alone was repaid by the first accused to the de-facto complainant.

5. Heard learned counsel for the petitioner and learned Public Prosecutor

6. The contents of C.D prima facie reveal the complicity of the second petitioner. The allegations against the second petitioner are very grave and serious. The investigation has a long way to go. It has come out that an amount of Rs.1,25,00,000/- was obtained by both the petitioners from the de-facto complainant.

7. Considering the seriousness of the allegations against the second petitioner and the present stage of investigation, I am of the view that the second petitioner is not entitled to the discretionary relief of anticipatory bail.

In the result, this bail application is dismissed. The learned counsel for the second petitioner seeks for an opportunity to the second petitioner to surrender before

the investigating officer and to co-operate with the investigation. At the same time, if so advised, the second petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the second petitioner, effect recovery if any, and conduct the investigation and produce the second petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the second petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

B.KEMAL PASHA, J.

(Judge)

smm

B.KEMAL PASHA, J.
(Judge)

smm

