

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Bail Appl..No. 1162 of 2015 ()

CRIME NO. 54/2015 OF VADAKKANCHERY POLICE STATION, TRISSUR

APPLICANT ACCUSED:-:

**KHALID, AGED 36 YEARS,
S/O.SULAIMAN, KARIKKEKAVU PEEDIKAYIL HOUSE,
THONNURKKARA, CHELAKKARA, THRISSUR DISTRICT.**

**BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA**

RESPONDENT/STATE:-:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

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B.A. No.1162 of 2015

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Dated this the 10th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the accused in Crime No.54 of 2015 of the Wadakkanchery Police Station, registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

3. The allegation against the petitioner is that while he was working as the Manager of 'Sana Fashion Textiles and Readymades', he committed misappropriation of sale amounts of the textiles for a period of 1 ½ years from 11.09.2013 onwards, without preparing and issuing the bills for sales.

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

5. The allegations against the petitioner are not specific. It does not reveal as to the dates on which he has committed such misappropriation or criminal breach of trust. It seems that there is only a vague allegation that he used to appropriate the money came out of the sales, without issuing the bills. Apart from such a vague allegation, I do not find any concrete materials to substantiate the allegations. The learned counsel for the petitioner has pointed out that the petitioner had abandoned the job at the shop of the defacto complainant and joined another shop, and that is the provocation on the part of the defacto complainant to raise such untenable allegations against the petitioner. Considering the facts and circumstances of the case, I do not think that this is a case wherein the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, this is a fit case wherein anticipatory bail can be granted to the petitioner, especially when no criminal antecedents have been reported against the petitioner.

In the result, this bail application is allowed and the

investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Tuesdays and Fridays commencing from 17.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/10/3/15

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P.A. To Judge