

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No. 1195 of 2015

CRIME NO. 1472/2014 OF KOLLAM WEST POLICE STATION , KOLLAM

PETITIONER(S)/1ST ACCUSED:

**MONCY PANICKER, AGED 37 YEARS
S/O.GANGADHARA PANIKER, KAVITHA MANDIRAM
THIRUMULLAVARAM P.O., KOLLAM DISTRICT.**

BY ADV. SRI.Y.JAFAR KHAN

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING SUB INSPECTOR OF POLICE
KOLLAM WEST POLICE STATION, KOLLAM -691 001.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

.....
B.A. No. 1195 of 2015
.....

Dated this the 23rd day of March, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the 1st accused in Crime No.1472 of 2014 of the Kollam West Police Station registered for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that by offering a job to the nephew of the defacto complainant at KMML, Chavara, the petitioner has

obtained an amount of Rs.1,00,000/- and issued a cheque for the said amount, which was drawn from the accounts of the 2nd accused, and signed by the petitioner. Over and above it, the petitioner and the other accused has obtained an amount of Rs.5,50,000/- more from several other persons by offering job at KMML, Chavara. They have neither arranged the job nor the amounts collected were repaid.

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

5. The learned counsel for the petitioner has pointed out that the petitioner has suffered a stroke and presently he is undergoing treatment. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious. Over and above it, after obtaining an amount of Rs.1,00,000/- by fraudulently inducing the defacto complainant, he has drawn a cheque from the account of the 2nd accused and by

signing himself in the said cheque and issued it to the de facto complainant. Considering the seriousness of the allegations against the petitioner, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner.

6. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the 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

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application has been given to the Assistant Public
Prosecutor also.

B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge