

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Bail Appl..No. 1542 of 2015

CRIME NO. 1972/2014 OF KATTAPPANA POLICE STATION.
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PETITIONER:

**MARTIN JOSEPH, S/O.JOSEPH,
AGED 36 YEARS, ARIYAMANIAL HOUSE,
KATTAPPANA SOUTH P.O.**

BY ADV. SRI.K.M.KURIAN

RESPONDENT:

**STATE OF KERALA,
REPRESENTED BY S.I. OF POLICE,
KATTAPPANA POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

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B.A.No.1542 of 2015

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Dated this the 1st day of April, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the accused in Crime No.1972 of 2014 of the Kattappana Police Station, registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

3. The petitioner was working as Collection Executive of SML Finance Ltd. It is alleged that he had returned the used receipt book of the company, on 17.12.2013 and that it was found that two receipts from the book were missing. It is alleged that he has misappropriated an amount of ₹1,17,000/- by making use of the said receipts, fraudulently.

4. Heard learned counsel for the petitioner and the

learned Public Prosecutor.

5. The learned counsel for the petitioner has pointed out that initially, an allegation was raised against the petitioner by stating that he had failed to produce a vehicle surrendered by a customer, to the company in time and enquiry proceedings were going on. During the course of enquiry proceedings, the petitioner was placed under suspension. Thereafter around ten months after the surrender of the receipt book, the present allegation has been levelled against the petitioner and an additional memo of charges was issued to the petitioner by the company stating that two receipts were missing from the books surrendered by him. If as a matter of fact, any such receipts were missing, it cannot be expected that the company could not trace out the same for a period of ten months. Had such an act been committed by the petitioner, definitely the company would have pointed it out much earlier. Considering the facts and circumstances of the case, I am of the view that this is not a case wherein the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, anticipatory bail

can be granted to 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 ₹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) Petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Wednesdays and Saturdays commencing from 08.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) 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/1/4/15

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P.A. To Judge