

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. 1689 of 2015 ()

CRIME NO. 168/2015 OF KALIKAVU POLICE STATION, MALAPPURAM DISTRICT

PETITIONERS / ACCUSED :

- 1. PARAMBATHU MUJEEB
S/O.SAIDALI (LATE), AGED 41 YEARS
RESIDING AT PARAMBATHU HOUSE
AMAPPOYIL, VELLAYUR PO, KALIKAVU
MALAPPURAM DISTRICT.**
- 2. MUHAMMED ALI, AGED 45 YEARS
S/O.SAIDALI (LATE), RESIDING AT PARAMBATHU HOUSE
AMAPPOYIL, VELLAYUR P.O., KALIKAVU
MALAPPURAM DISTRICT.**

BY ADV. SRI.K.MOHAMMAD SALAHUDHIN

RESPONDENT/COMPLAINANT (STATE) :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
(ON BEHALF OF SUB INSPECTOR OF POLICE
KALIKAVU POLICE STATION, MALAPPURAM DISTRICT)**

BY SR. PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01-04-2015,
ALONG WITH BA NO. 1690/2015 & CONNECTED CASES, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

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B.A.Nos.1689, 1690, 1691, 1692 & 1693 of 2015

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Dated this the 1st day of April, 2015

ORDER

Petitions filed under Section 438 Cr.P.C.

2. The petitioners are the accused in Crime Nos.168/2015, 164/2015, 166/2015, 165/2015 and 167/2015 respectively of the Kalikavu Police Station, registered for the offences punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code and Sections 4 and 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

3. It is alleged that the petitioners had been running a financial institution at Kalikavu in the name and style 'Kunhus Business Group' and they had fraudulently obtained huge amounts from the members of the public including the defacto

complainants in these cases, by offering huge profit. Thereafter, it has come out that they have defrauded and cheated all such persons and have not cared to return the amounts.

4. Heard learned counsel for the petitioners and the learned Senior Public Prosecutor.

5. The learned counsel for the petitioners has pointed out that the petitioners are hailing from an ancient family, which was well-known in the public and they had no intention to cheat or defraud the persons who participated in the financial schemes formulated by the institution. At the same time, however the business failed and they could not pay back the amounts collected. It is also pointed out that the entire properties in the institution were looted by the public, who became agitated and presently, the petitioners are unable to come out. According to the learned counsel for the petitioners, if an opportunity is given to the petitioners to come out, they will be able to settle the matter as their mother will see that a property is disposed of in order to settle the matter. It seems that altogether an amount of around ₹5,00,000/- is involved in

these five cases. By considering the undertaking expressed by the learned counsel for the petitioners in the matter, I am of the view that anticipatory bail can be granted to the petitioners so that they can come out and to make genuine efforts to settle the liability.

In the result, these bail applications are allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for ₹1,00,000/- (Rupees one lakh only) in each of the cases 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) Petitioners 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 six months.

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

(iii) Petitioners shall make themselves available for interrogation as and when required by the

investigating officer.

(iv) Petitioners 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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PA to Judge