

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Bail Appl..No. 1753 of 2015 ()

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CRIME NO. 1110/2013 OF ANCHALUMOOD POLICE STATION, KOLLAM DISTRICT.**

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PETITIONER/4TH ACCUSED:

**SUBRAMANIOM, AGED 60 YEARS,
S/O.LATE NARAYANA IYER, VANAMALEE,
ANANTHAPURAM LANE, THAMMANAM,
POONITHURA VILLAGE, KANAYANNUR TALUK,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.K.S.HARIHARAPUTHRAN,
SRI.M.D.SASIKUMARAN,
SRI.GEORGE MATHEW,
SRI.SUNIL KUMAR A.G.,
SRI.DIPU JAMES.**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
ANCHALUMOOD POLICE STATION, KOLLAM,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LISHA M.G.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

SUNIL THOMAS, J.

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B.A.No.1753 of 2015

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Dated this the 9th day of July, 2015

ORDER

The applicant is the accused in Crime No.1110 of 2013 of the Anchalumoodu Police Station for offences punishable under Sections 406, 420, 468, 471, 409, 294(b), 323, 324 r/w Section 34 of the Indian Penal Code.

2. The allegation of the de facto complainant is that the applicant was in financial difficulties and wanted an amount of Rs.10,00,000/-. He was introduced to other accused who offered to arrange a loan, whereupon he is alleged to have gone to a nationalized bank wherein the applicant herein was the Manager. After executing the necessary documents, he obtained Rs.10,00,000/-. It is further stated that the above Rs.10,00,000/- with interest was handed over by him on 20.02.2013 to one Abdul Azeez, who is also an accused in the present case. It was later understood that the bank had initiated proceedings for recovery of money, and that his property was mortgaged as a security and loan of Rs.35,00,000/- was availed by Abdul Azeez. It was submitted that the loan was taken in the name of one M/s.Punjami

Trading Company. Hence, complaint was laid and the police have registered this case. Apprehending arrest, applicant has approached this Court seeking bail.

3. Heard and examined the records.

4. In the original complaint lodged before the police, the applicant herein was not arrayed as an accused. It seems to be not in dispute that he was the Senior Manager of the bank which sanctioned the loan. It also appears that necessary documents in relation to the transaction was executed and the property belonging to the de facto complainant was mortgaged. The applicant has mentioned that due to non payment of the money due, bank initiated proceedings under the SARFAECI Act and also filed O.A.No.574 of 2013 before the DRT, Ernakulam. Evidently, bank has set legal process in motion for the recovery of money due. Whether the remaining accused who are the beneficiaries of the loan transaction has misled the de facto complainant herein or whether, he himself had availed loan and to escape from the liability has set up a defence of loan transaction for a lesser amount, is a matter to be investigated. The transaction with the bank, in so far as it relates to the applicant herein, will be borne

out by records. Probably, custodial interrogation of the remaining accused may be warranted. In the original complaint, de facto complainant did not have any allegation against the bank manager. Considering these facts, I feel that custodial interrogation of the applicant herein may not be warranted and he can be granted bail subject to the following conditions:

(i) Applicant shall appear before the Investigating Officer on 18.07.2015 between 10 a.m. and 11 a.m. He shall be released on bail on executing bond for a sum of Rs.70,000/- (Rupees seventy thousand only) with two sureties for the like sum each.

(ii) He shall appear before the Investigating Officer as and when called for and shall co-operate with the investigation.

(iii) He shall not in any manner interfere with the investigation, threaten, coerce or intimidate the witnesses.

The application is allowed accordingly.

Sd/-

SUNIL THOMAS
Judge

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