

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

Bail Appl..No. 1846 of 2015 ()

AGAINST THE ORDERIN CRMP 1078/2015 of D.C. & SESSIONS & MACT,KASARAGOD
DATED 23-03-2015
CRIME NO. 185/2015 OF KASARAGOD POLICE STATION, KASARGOD

PETITIONER:

YOUSUF C.A, AGED 32 YEARS,
S/O. ABDUL KHADER MOULAVI, AMMANGOD,
MULIYAR VILLAGE AND POST
KASARAGOD TALUK & DISTRICT.

BY ADV. SRI.MATHAI VARKEY MUTHIRENTHY

RESPONDENT:

STATION HOUSE OFFICER,
KASARAGOD POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY PUBLIC PROSECUTOR SMT.LILLY LESLIE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. RAMAKRISHNAN, J.

.....
B.A.No.1846 of 2015
.....

Dated this the 22nd day of July, 2015.

O R D E R

This is an application for anticipatory bail filed by the accused in Crime No.185/2015 of Kasaragod Police station under Section 438 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that during the year 2013, the accused had pledged fake gold ornaments and obtained a loan of Rs.3,25,000/- from the Kasaragod Taluk Co-operative Society and thereby he had committed the offences punishable under sections 415, 417, 420 and 406 of the Indian Penal Code.

3. Heard counsel for the petitioner, Public Prosecutor and perused the case diary file.

4. Counsel for the petitioner submitted that in fact he had pledged real gold ornaments and in order to escape from the mischief committed by the bank officials on a later occasion, he has been falsely implicated in the case. He had relied on Annexure A3 for that purpose.

5. The application was opposed by the Public Prosecutor

on the ground that investigation is not over.

6. It is seen from the records that the above case was registered on the basis of a private complaint filed by the Manger of the Co-operative Society against the petitioner before the Chief Judicial Magistrate Court, Kasaragod alleging offences under sections 415, 417, 420 and 406 read with section 34 of the Indian Penal Code, which was forwarded to the Police for investigation under section 156(3) of the Code of Criminal Procedure by the learned Magistrate. The investigation is still in progress. The allegation was that the accused availed a loan by pledging 8 grams of gold ornaments, out of which, only 3 grams were genuine gold ornaments and others are fake gold ornaments. The presence of the petitioner will be required for proper investigation. Considering the gravity of the offence, this Court feels that it is not a fit case to grant anticipatory bail invoking the extra ordinary power under section 438 of the Criminal Procedure Code. He can very well surrender before the concerned Magistrate and move for regular bail. If the petitioner surrenders before the investigating officer and on interrogation if it is felt that his arrest is required, after recording his arrest, he is directed to be produced before the

concerned Magistrate as far as possible within 24 hours of the arrest and on such production, if the petitioner moves for regular bail, the learned Magistrate is directed to consider and dispose of the bail application as far as possible on the date of filing of the application itself after hearing the Assistant Public Prosecutor of that court in accordance with law.

With the above directions and observations, this application is dismissed.

Sd/-

K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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