

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

Bail Appl..No. 1888 of 2015 ()

CRIME NO. 1338/2011 OF FORT POLICE STATION, THIRUVANANTHAPURAM DISTRICT

PETITIONER/ACCUSED:

RAJESH EBRAHIMKUTTY,
SON OF EBRAHIMKUTTY, AGED 36 YEARS,
76B JAKKUR, YELAHANKA,
BANGALORE -560 064

BY SRI.K.RAMAKUMAR, SENIOR ADVOCATE
ADVS. SRI.C.DINESH
SRI.VINOD.V (EDAPPUNATHIL)
SRI.G.RENJITH
SMT.ASHA BABU
SMT.AMMU CHARLES
SMT.JINNU SARA GEORGE
SRI.S.M.PRASANTH

RESPONDENT(S)/STATE & COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. THE STATION HOUSE OFFICER,
FORT POLICE STATION, THIRUVANANTHAPURAM-695 004.

R1 & R2 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH
BY ADV. SRI.T.K.ANANDA KRISHNAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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B. KEMAL PASHA, J.

.....
B.A. No.1888 of 2015
.....

Dated this the 9th day of April, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1338/2011 of Fort Police Station, Thiruvananthapuram registered for the offences punishable under Sections 409, 420, 467, 471 and 120B read with Section 34 IPC.

3. The allegation against the petitioner is that he conspired with A2, who is the Manager of the Fort Branch of the Dena Bank, Thiruvananthapuram, and swindled various amounts from the accounts of the de facto complainant at the bank and altogether an amount of ₹35 lakhs have been taken away from the accounts of the de facto complainant without his knowledge and consent.

4. Heard learned Senior Counsel for the petitioner, learned counsel for the de facto complainant and learned

Public Prosecutor.

5. It seems that the 3rd accused has played the major part in the incident as he was instrumental in carrying out all the illegal transactions in the accounts. It seems that the 2nd accused, who is the Manager, has been dismissed from the service of the bank. The matter has to be investigated thoroughly. The investigating officer has sought for the custodial interrogation of the petitioner.

6. The learned Senior Counsel for the petitioner has offered sufficient security for the co-operation of the petitioner to the continued investigation in this case. Considering the facts pointed out by the learned Senior Counsel, I am of the view that anticipatory bail can be granted to the petitioner on condition that he shall deposit an amount of ₹35 lakhs in any of the nationalised banks in Ernakulam as Fixed Deposit and shall produce the Fixed Deposit receipt before the court below, within a period of 15 days from today. The Fixed Deposit shall be renewed timely

and its lien has to be noted in favour of the court below.

7. 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 ₹1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall deposit ₹35 lakhs in any of the nationalised banks in Ernakulam as Fixed Deposit and shall produce the Fixed Deposit receipt before the court below, within a period of 15 days from today. The same shall be kept till the disposal of the case, in order to secure the liability, if any, towards the de facto complainant.

(ii) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 16.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(iii) The petitioner shall surrender his passport before the court below.

(iv) The petitioner shall not tamper with the evidence or influence witnesses.

(v) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(vi) The 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)

aks/09/04

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PA to Judge