

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Bail Appl..No. 2043 of 2015 ()

**CRIME NO. 461/2013 OF MANNARKKAD POLICE STATION,
PALAKKAD DISTRICT**

PETITIONER/ACCUSED NO.9.:

**RAMADAS PANICKER
S/O.RAMAKRISHNA PANICKER,
KALARIKKAL HOUSE, MALIKUNNU,
KOTTOPPADAM, MANNARKKAD, PALAKKAD.**

**BY ADVS.SRI.M.RAJAGOPALAN NAIR
SRI.G.BIJU
SRI.M.N.SAKKEER HUSSAIN
SRI.V.A.VINOD
SRI.S.JAYAPRAKASH (MADAVOOR)**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MANNARKKAD POLICE STATION
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 15-07-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.2043 of 2015

Dated this the 15th day of July 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioner along with co-accused is alleged to have committed the offences under Secs.120B, 409 and 420 of the Indian Penal Code. Some of the co-accused are the Secretary and other employees of a co-operative society. The prosecution case is that they created 59 false gold loan accounts without taking any ornaments as security. They also created documents showing that the loans were disbursed and they misappropriated the amounts.

3. Heard both sides.

4. One of the accounts is in the name of the petitioner, who is the 9th accused. It is stated that he also was part of the conspiracy and the gold loan application was filed by him though he did not pledge any ornaments. But his submission is that he really pledged the ornaments and if they are not available with the society he is entitled to realise the ornaments from the society.

There are entries in the registers of the society and documents showing that the petitioner pledged 99.2 grams of gold ornaments and borrowed Rs.2,25,000/- . As of now, it cannot be said that he did not pledge any ornaments. For this reason, I am inclined to grant his prayer. So I am inclined to grant him anticipatory bail.

In the result, the bail application is allowed.

1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2. He shall appear before the investigating officer for interrogation if he is so required by him in writing.

3. The petitioner shall surrender his passport before the lower court concerned or if he does not have the one, file an affidavit to that effect.

4. The petitioner shall not leave India

without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5. The petitioner shall not destroy or tamper with evidence.

6. The petitioner shall not intimidate or attempt to influence the witnesses.

7. The petitioner shall not get himself involved in any other criminal case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

If the petitioner surrenders before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

If the investigating officer collects evidence to show the involvement of the petitioner in the commission of the offences, he may apply for cancellation of bail.

Sd/-
K. ABRAHAM MATHEW
JUDGE