

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Bail Appl..No. 3741 of 2015 ()

CRIME NO. 322/2015 OF PALARIVATTOM POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED:

**AJOMON N.I.,
AGED 29 YEARS, S/O. ISSAC,
NEDUMPARAMPIL, MALAKUNNAM P.O.,
KURICHI VILLAGE, KOTTAYAM DISTRICT**

BY ADV. SRI.SURIN GEORGE IPE

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY CIRCLE INSPECTOR OF POLICE
ERNAKULAM NORTH (PALARIVATTOM POLICE STATION)
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT. LISHA M.G.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

SUNIL THOMAS, J.

B.A. No. 3741 of 2015

Dated this the 14th day of July, 2015

ORDER

The sole accused in Crime No. 322/2015 of Palarivattom Police Station for offences punishable under Sections 409, 468, 471, 477A and 420 I.P.C is the petitioner herein.

2. The allegation of the prosecution is that the accused was the Cashier cum Purchase Manager of a Furniture shop conducted by the defacto complainant. During the period of 2011 to 2013, complainant could not attend the shop due to various ailments. The complainant alleged that during the long period in between 2010 to 2015, the accused misappropriated a sum of about Rs. 2 Crores by making manipulation in the accounts, by forging the seal, forging the accounts and other documents. Apprehending arrest in the above case, the petitioner

seeks pre-arrest bail.

3. Heard and examined the records.

4. The allegation against the accused is a very serious one, which has allegedly happened during a long period of 5 years. This is a matter which requires detailed investigation. The learned counsel for the petitioner vehemently contended that, he is falsely implicated and there is an allegation that he was kept in illegal detention in a cellar of a building from 09.03.2015 to 12.03.2015 and was physically assaulted. It is alleged that certain blank papers were got signed from him. It is stated that thereafter when he was released from the cellar, he got admitted in the hospital and had undergone treatment. He has thereafter filed another complaint before the police which is also under investigation.

5. The learned counsel for the petitioner contended that the bail application was rejected by the Learned Sessions Judge on a mistaken impression that

the complaint laid by him was referred by the police. It is submitted that it was wrongly so submitted before the Learned Sessions Judge. However, a perusal of the order of the Learned Sessions Judge indicates that, apart from the above reason, the Sessions Judge has also given other reasons for dismissal of the above application.

6. Even though, the report given by the concerned hospital show that he had suffered an ailment in relation of brain which the learned counsel submitted that was a consequent to physical assault, corresponding physical assault is not seen referred to in the FIR. It refers only to physical assault on the knee. Further, a person who allegedly sustained serious injuries on the head, could not be expected to go from Ernakulam to Kottayam and get treatment there.

7. Suffice to say that an investigation is in a fluid stage. Granting of pre-arrest bail to the petitioner at this stage is likely to hamper the investigation, which has to

go into the depth of the crime, the manner in which crime was committed, the persons involved in the crime and also whether any other person has got himself involved in the Crime and additionally, if any amount has been misappropriated as alleged, the manner in which it was diverted. Considering these facts, I feel that it may not be proper to grant bail to petitioner at this stage of investigation.

Hence, petition is dismissed.

Sd/-
SUNIL THOMAS
JUDGE