IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Bail Appl..No. 3897 of 2015

CRIME NO.1537/2015 OF THRISSUR TOWN EAST POLICE STATION,
THRISSUR DISTRICT

PETITIONER(S)/ACCUSED 1 & 2 :
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1. RAJU, AGED 47 YEARS,
S/O.NARAYANAN, THONNANKAIPARAMBIL HOUSE,
AARATTUPUZHA DESOM, THRISSUR DISTRICT- 680 562.

2. PREETHA, AGED 42 YEARS,
W/O.RAJU, THONNANKAIPARAMBIL HOUSE, AARATTUPUZHA DESOM,
THRISSUR DISTRICT- 680 562.

BY ADV. SRI.T.N.MANOJ

RESPONDENT(S)/COMPLAINANT :
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1. STATE OF KERALA,
THROUGH SUB INSPECTOR OF POLICE,
THRISSUR EAST POLICE STATION, THRISSUR,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

* ADDITIONAL R2 IMPLEADED

2. LEELA DEVADAS, AGED 77 YEARS,
W/O.LATE ADV.K.DEVADAS, FLAT NO.A-O, KARIMBATTA,
SATYAM FRIEND LINE APARTMENTS, KUNNATHMANA LANE,
THRISSUR- 680 001.

* ADDITIONAL R2 IS IMPLEADED AS PER ORDER DATED 03.08.2015 IN CRL.M.A.NOI.6737 OF 2015.

R1 BY PUBLIC PROSECUTOR SMT.R.REMA
ADDL.R2 BY ADVS. SRI.V.V.NANDAGOPAL NAMBIAR
SMT.SMITHA (EZHUPUNNA)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Msd.

K.ABRAHAM MATHEW, J.

B.A.No.3897 of 2015

Dated this the 5th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.1537 of 2015 of Thrissur East Police Station. They are alleged to have committed the offences under Sections 408, 420 and 468 IPC.

3. They are husband and wife. The first petitioner was registered clerk of advocate late K.Devadas. He made the advocate believe that if money was deposited in the Service Co-operative Society at Arattupuzha situated near his house, he would get high interest. Accordingly, the advocate entrusted to him Rs.Ten lakhs in April 2009 to deposit in the said Co-operative Society. After two days the first petitioner told the advocate that he appropriated the amount for his own use and he would deposit it in the Society within three or four months. Later he gave the advocate receipts showing that the amount was deposited for three years. In March 2012 the petitioners informed the advocate and his wife who is the first informant that if the latter deposited Rs.Twenty lakhs in the above Society the second petitioner would be given a job in the Society. Believing their words the advocate and the first informant gave them Rs.Twenty lakhs for depositing in the society. The petitioners gave them fixed deposit receipts. Now it is revealed that all the fixed deposit receipts given by the petitioners are false documents.

Moreover, the petitioner made the first informant and her daughter believe that their signatures were necessary for certain purposes and obtained from them signed blank papers. The petitioners made unauthorised entries in those papers and withdrew huge amount from the bank accounts of the informant and daughter. The total amount they misappropriated is about Rs.One Crore. This, in brief, is the prosecution case.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. The investigating officer has seized the fixed deposit receipts handed over to the advocate and the first informant by the petitioners. It is not disputed that they are not genuine. The first petitioner had worked as a clerk of the advocate for about 30 years. The advocate died in 2014. The first petitioner had gained the confidence of the family of the advocate. The family took the assistance of the first petitioner in all their transactions. It is in spite of it he and his wife, the second petitioner, allegedly cheated them and misappropriated about Rs.One Crore. There is a prima facie case against them. The facts and circumstances of the case do not justify granting anticipatory bail to them.

In the result, this application is dismissed.

Sd/-

K.ABRAHAM MATHEW

JUDGE

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/True copy/ P.S.to Judge