

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. 3913 of 2015 ()

CRIME NO. 376/2015 OF KARUVARAKUNDU POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED :

**MUJEEB
S/O.MOYIN,
PALATHINGAL HOUSE,
EDAYATTUR P.O.
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.K.RAKESH**

RESPONDENTS/STATE & COMPLAINANT :

**1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI - 682 031.**

**2. THE SUB INSPECTOR OF POLICE,
KARUVARAKUNDU POLICE STATION,
MALAPPURAM DISTRICT-676 523.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

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B.A.No. 3913 of 2015

Dated this the 15th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offence under Section 420 IPC. The prosecution case is that he borrowed from the first informant a car for two days. Thereafter, he promised to return it after one month. But he failed to return. He has thus cheated the first informant.

3. Heard.

4. The prosecution case is that the petitioner without the knowledge of the first informant, pledged the car with a stranger. The car has not been recovered so far. The submission of the learned counsel is that it is a case of mistaken identity and the petitioner is not the person who borrowed the car. If the investigation reveals that he is not the person who is involved in the incident, he need not apprehend detention. But, it is not proper to grant him anticipatory bail.

In the result, this application is dismissed.

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

DST

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P.A. To Judge