

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Bail Appl..No. 4219 of 2015

CRIME NO. 747/2012 OF CBCID, THIRUVANANTHAPURAM

PETITIONER(S):

**MOHANAN PILLAI, AGED 52 YEARS,
S/O.BALAKRISHNA PILLAI, MOHANASADANAM,
BHARANIKKAVU NORTH, KATTANAM VILLAGE, ALLEPPEY.**

BY ADV. SRI.V.ANIL (K/1480/98)

RESPONDENTS:-:

**1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(CRIME NO.747/CR/STATES/2012 OF CBCID IN
THIRUVANANTHAPURAM FROM CRIME NO.151 OF
2011 OFKURATHIKKADU POLICE STATION IN ALLEPPEY DISTRICT).**

**2. SREEKUMAR, AGED 37 YEARS,
S/O.RAMAN PILLAI, LEKSHMI BHAVANAM,
PALICKAL NADUVILE MURI, BHARANICKAVU VILLAGE,
ALAPPUZHA.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K.ABRAHAM MATHEW, J.

B.A.No.4219 of 2015

Dated this the 12th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.747/CR/STATES/2012 of CBCID in Thiruvananthapuram from Crime No.151 of 2011 of Kurathikkadu Police Station.

3. He was the secretary of Administrative Committee of a temple at Bharanikkavu Devi Temple. The allegation is that he along with the co-accused misappropriated the gold ornaments which were in their custody.

4. Heard.

5. Learned counsel submits that in the suit filed by the present office bearers of the temple there is a statement that one of the co-accused admitted having committed the offence. Annexure-A2 is a copy of the complaint in that suit. In paragraph 4 it is stated that the safe had four keys and they had to be applied simultaneously to open the safe and the practice was to open it in the presence of the four custodians of the keys and in fact it was the petitioner who used to open it in the presence of the four key holders. There is a statement in paragraph 10 that one accused admitted his guilt and he undertook to pay

compensation. That is no ground to hold that the petitioner is innocent. The investigating officer has recorded confession statement of the 2nd accused. He has narrated how the gold ornaments were misappropriated. There is a specific statement that the gold ornaments were sold by the petitioner and the sale proceeds were shared by him and the co-accused. The gold has not been recovered so far. In the light of these facts, I am of the view that anticipatory bail application cannot be allowed.

In the result, this application is dismissed.

**K.ABRAHAM MATHEW
JUDGE**

pm