

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Bail Appl.No. 4602 of 2015

CRIME NO. 358/2015 OF PATTAMBI POLICE STATION , PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED NOS. 6 & 7:

- 1. K.C.NIBEESH, AGED 33 YEARS,
S/O.CHANDRAN, KUNNATHULLY HOUSE, PONNORE.P.O.,
PARAPPOOR, EDAKALATHUR VILLAGE, THRISSUR TALUK,
THRISSUR DISTRICT.**
- 2. P.V.MOHANAN, AGED 47 YEARS,
S/O.AYYAPPAN, PANDARATH VALAPPIL HOUSE,
CHAZHIYATTIRI POST, PERINGODE, PATTAMBI TALUK,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.P.B.ASOKAN
SRI.S.SREEKUMAR (ADUKKATH)
SRI.P.B.AJOY
SRI.K.G.RAJEESH
SMT.M.K.SAMYUKTHA**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
PATTAMBI POLICE STATION,THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.MADHUBEN.M

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-12-2015, ALONG WITH BA.NO.4638 OF 2015 AND CONNECTED
CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

K.P.JYOTHINDRANATH, J.

**B.A.Nos.4602, 4638, 4639, 4640, 4641, 4642,
4643, 4644 & 4645 of 2015**

Dated this the 17th day of December, 2015

ORDER

The petitioners herein are accused Nos.6 and 7 in Crime Nos.358/15, 726/2015, 536/2015, 724/2015, 359/2015, 360/2015, 537/2015, 725/2015 and 538/2015 of Pattambi Police Station. All the above said crimes are registered under Section 420 of IPC.

2. The petitioners are the Directors of a chitty company which had defaulted in payment of amounts due to their subscribers. When the petition came up for hearing, the learned counsel for the petitioners submitted before me that, the petitioners got no connection with the so called chitty company which cheated the subscribers. It is the submission that, the accused Nos.6 and 7 were retired from the Panthirukulam Chits Private Ltd., Pattambi in the year 2014. It is the case of the petitioners that thereafter, the petitioners got no connection with the above said chitty company and they were confined with a portion of business entrusted to them and no subscriber who are dealing with the said part of business complained before the police. It is the categoric submission that, the petitioners got no connection so far with the said business, which cheated the subscribers.

3. The prosecution submitted before me that here is a very serious crime. A white color crime has been committed by the petitioners. It is the poor persons' savings looted by the petitioners.

It is the submission that arrest, interrogation and recovery are highly necessary.

4. After considering the submissions of the learned counsel for the petitioners as well as the learned Public Prosecutor, I feel that if there is any truth in the submission of the petitioners, their arrest may not be necessary. But at the very same time, if they had looted savings of the poor persons, it cannot be lightly looked into.

5. Under such circumstances, I feel that it will be only just and proper to dispose of these anticipatory bail applications by directing the Investigating Officer to comply with the provision under Section 41 A of Cr.P.C. It is made clear that on notice if the petitioners are appearing before the Investigating Officer, after interrogation and also considering all aspects, if the Investigating Officer feels that the arrest is necessary, he need not hesitate to arrest the petitioners, provided, he complies with the requirement under Section 41 A(3) of Cr.P.C.

With the above direction, this anticipatory bail applications disposed of.

Sd/-
K.P.JYOTHINDRANATH, JUDGE

AV

/True Copy/

P.A to Judge