

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Bail Appl..No. 4749 of 2015 ()

CRIME NO. 881/2015 OF KOLLAM WEST POLICE STATION, KOLLAM DISTRICT

PETITIONERS/ACCUSED 1 & 2 :

1. RAJESH
AGED 42 YEARS, S/O. RAJESEKHARAN PILLAI,
KAMALALAYAM, KOTTACKAKOM
PERINAD P.O., KOLLAM.

2. HAZEENA
AGED 41 YEARS, D/O. FATHIMA BEEVI,
KAMALALAYAM, KOTTACKAKOM
PERINAD P.O., KOLLAM.

BY ADVS.SRI.V.JAYAPRADEEP
SRI.V.JAYADHAR

RESPONDENT/COMPLAINANT :

STATE OF KERALA
REP. BY THE SUB-INSPECTOR, KOLLAM WEST PS
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA

***ADDL. R2 IMPEADED**

***ADDL.R2. SURESH BABU**
AGED 45 YEARS, S/O. SUNDARESWARAN
SKYLINE GAMET – 7C, K.T. GOPALAN ROAD
KOTTULI VILLAGE, KOZHIKODE TALUK-673 110.

***ADDL. R2 IS IMPEADED AS PER ORDER IN CRL.M.A. NO. 8793/2015**
DATED 09/09/2015.

R1 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

A.HARIPRASAD, J.

B.A. No.4749 of 2015

Dated this the 9th day of September, 2015

ORDER

Petitioners seek pre-arrest bail under Section 438 of the Code of Criminal Procedure apprehending arrest in Crime No.881 of 2015 of Kollam West Police Station. They are involved in offences punishable under Sections 419, 420, 476, 468 and 471 read with Section 34 of the Indian Penal Code.

2. It is alleged that the petitioners with an intention to gain unlawfully as the president and secretary of the Kollam District Self Entrepreneurs' Development Welfare Co-operative Society Ltd. received cash deposit worth rupees five lakhs from the defacto complainant and issued two receipts. On maturity, the amount could not be realised. Hence, the case is registered against the petitioners.

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

4. It is contended by the learned counsel for the petitioners that the society was expecting financial assistance from NABARD, but it could not be obtained in time and therefore, the amount could not be repaid. In answer to this contention, learned Prosecutor submitted that amounts were

collected from the depositors with an intention to cheat them.

All these aspects will have to be brought out in a thorough investigation. Considering the nature of allegations, I am of the view that the petitioners are not entitled to get anticipatory bail. They shall surrender before the Investigating Officer within two weeks from today and submit themselves for interrogation. The Investigating Officer shall produce them before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioners are free to move for regular bail before the learned Magistrate. In that event, the learned Magistrate shall consider the application as expeditiously as possible on merits.

The application is disposed of.

A. HARIPRASAD, JUDGE.

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