

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. 4765 of 2015

CRIME NO. 1732/2015 OF CHERTHALA POLICE STATION , ALAPPUZHA

PETITIONER(S):

**BIJU K.P, AGED 39 YEARS,
S/O.PAVITHRAN, RESIDING AT KOLLAPURACKAL HOUSE, CMC-5,
CHERTHALA P.O., ALAPPUZHA DISTRICT-688524.**

**BY ADVS.SRI.M.M.NIAS
SRI.AJOY VENU**

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN-31.**

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.4765 OF 2015

dated this the 12th day of August, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1732 of 2015 of Cherthala Police Station. He is alleged to have committed the offences under Sections 408 and 420 of Indian Penal Code.

3. He was working as Secretary of the complainant Cherthala Service Co operative Bank. The allegation is that he misappropriated Rs.1,97,900/- (Rupees One lakh ninety seven thousand nine hundred only) belonging to the Society.

4. Heard.

5. The Government issued a cheque for Rs.1,97,900/- (Rupees One lakh ninety seven thousand nine hundred only) in favour of the Society of which the petitioner was the Secretary. The allegation is that though he encashed the cheque, he failed to remit it in the account of the Society. The learned counsel is not able to submit that the amount was remitted to the account of

the Society. The learned Public Prosecutor submits that four other cases have been registered against him for similar offences. It is not proper to invoke the jurisdiction of this court under Section 438 Cr.P.C.

In the result, this application is dismissed.

Sd/-
K.ABRAHAM MATHEW,
JUDGE

R.AV

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PA to Judge