

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. 5025 of 2015

CRIME NO. 1889/2015 OF KODUNGALLUR POLICE STATION, TRISSUR DISTRICT.
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PETITIONER/ACCUSED 1:

**ALI MUHAMMED, AGED 63 YEARS,
S/O ABDULLA, MANNATHARA HOUSE,
NEAR NORTH NADVARAMBU MARKET,
EDAVILANGU P.O., EDAVILAGU VILLAGE,
KODUNGALLUR TALUK, THRISSUR DISTRICT.**

**BY ADVS.SRI.P.M.ABDUL JALEEL (KODUNGALLUR)
SRI.T.V.SHAJI
SRI.V.A.AJMAL**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

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

mbr/

A.HARIPRASAD, J.

B.A No.5025 of 2015

Dated this the 9th day of September, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the first accused in Crime No.1889/2015 of Kodungallur Police Station registered for offences punishable under Sections 420, 463, 464, 468, 477 and 380 r/w 34 I.P.C.

3. Prosecution case, in short, is that the petitioner (first accused) while working as Branch Manager of a Private Finance Company during the period from 26-06-2014 to 06-07-2015 with an intention to cheat the defacto complainant created fake documents and syphoned out Rs.30,30,000/- by pledging spurious gold.

4. Petitioner pleaded innocence.

5. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

6. Learned counsel for the petitioner submitted that the petitioner is a cardiac and renal patient. He has filed a suit before the concerned Munsiff Court against the defacto complainant and second accused seeking injunction not to interfere in his peaceful

life.

7. Learned Public Prosecutor opposed the bail application contending that the investigation is at an early stage. Custodial interrogation of the petitioner is necessary to find out the names of persons, who had pledged spurious gold. Further, fictitious loans are also raised. Considering the nature of allegations, I am of the view that the petitioner is not entitled to get any pre-arrest bail under Section 438 Cr.P.C. Therefore, the petition is disposed with following directions :

The petitioner shall surrender before the Investigating Officer within a period of 15 days from today and submit himself for interrogation. Thereafter, he shall be produced before the learned Magistrate having jurisdiction on the same day. The petitioner is free to move for regular bail before the court below. In that event, the application shall be considered on merits as expeditiously as possible, if possible on the date of surrender itself.

**Sd/-
A.HARIPRASAD,
JUDGE.**