

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 5731 of 2015

CRIME NO. 783/2012 OF KASARAGOD POLICE STATION, KASARGOD

PETITIONER(S)/3RD ACCUSED:

**MUHAMMED ASHRAF ALI, AGED 41 YEARS,
S/O IBRAHIM, OLAMOGARU HOUSE, ARIYAPPADY PO,
SHENI VILLAGE, KASARAGOD.**

BY ADV. SRI.N.RAJESH

RESPONDENT(S)/COMPLAINANT/ STATE:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-31.**
- 2. SUB INSPECTOR OF POLICE,
KASARAGOD POLICE STATION, KASARAGOD DISTRICT.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

RAJA VIJAYARAGHAVAN.V. J

B.A.5731 of 2015

Dated 15th October, 2015

ORDER

- 1.This petition is filed u/s 438 of the Code of Criminal Procedure.
- 2.The petitioner is the 3rd accused in Crime No.783 of 2012 of Kasargode police station. The said crime has been registered for offence punishable u/s 468, 471, 201 r/w S.34 IPC.
- 3.The case of the prosecution is that the petitioner , while working as the Office Assistant at the Krishi Bhavan, Kumbala, with intent to make unlawful gain , forged cheques to be issued to the beneficiaries with regard to subsidy amounts covered by the Kerala Horticulture Mission and by using forged forms, withdrew the amounts for his own purpose. It is further alleged that the petitioner along with accused Nos.1

and 2 destroyed the registers containing entries regarding distribution of amounts to the beneficiaries and also caused to efface the evidence.

4.I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

5.The learned counsel appearing for the petitioner vehemently submitted that the petitioner was made a scapegoat for the misdeeds of his official superiors. It is further submitted that the petitioner is innocent of the allegations.

6.The learned Public Prosecutor has vehemently opposed the contentions raised by the learned counsel appearing for the petitioner and submitted that the allegations against the petitioner are very serious. According to the learned public prosecutor, the petitioner has pilfered the subsidy due to innocent beneficiaries and hence deserves no leniency.

7.I have considered the rival submissions and having regard to the nature of allegations and its gravity and also the role played by the petitioner, I am of the considered view that the petitioner is not entitled to the relief of Anticipatory Bail.

8.In view of the above, the petition shall stand dismissed.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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P.S. To Judge