

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 6161 of 2015

CRIME NO. 1640/2015 OF ERNAKULAM CENTRAL POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:

**ANSAL ISMAIL, AGED 22 YEARS,
S/O.ISMAIL, II/397, PANACHIKKAL HOUSE,
VAZHAKALA, KAKKANAD.**

BY ADV. SRI.A.P.SUBHASH

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI - 682 031.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

RAJA VIJAYARAGHAVAN V, J.

B.A.No.6161 of 2015

Dated this the 30th day of October, 2015

O R D E R

This is an application for anticipatory bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioner herein is the accused in Crime No.1640/2015 of Ernakulam Central police station. The aforesaid crime has been registered against the petitioner for the offence punishable under S.420, 465, 468 & S.471 of the IPC.

3. The prosecution allegation against the petitioner is that while working as the manager of Bata India Limited at the showroom near to the DCC junction, Ernakulam, he forged false bills and used the same as genuine and misappropriated a total sum of Rs.7,61,428.29/- .

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 has submitted that he is innocent of the allegations and he has been falsely implicated.

6. The learned Public Prosecutor, on the other hand, has submitted that the a large sum of money was misappropriated by the petitioner.

7. It appears that the allegations against the petitioner are serious. It is not a fit case where the relief of anticipatory bail can be granted to the petitioner. At the same time, by considering all the circumstances pointed out by the learned counsel and in the absence of any criminal antecedents on his part, I am of the view that an opportunity can be granted to the petitioner to surrender

before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. However, the petitioner, if he is so advised, may surrender before the Investigating Officer within ten days from today and in such case, the Investigating Officer shall interrogate the petitioner, effect recovery if any, and conduct necessary investigation and thereafter produce the petitioner without delay before the jurisdictional Magistrate, where the petitioner can move for bail. If the petitioner so appears and applies for bail, needless to say, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously, preferably on the date of surrender itself.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge