

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 7049 of 2015

CRIME NO. 768/2015 OF MUHAMMA POLICE STATION, ALAPPUZHA

PETITIONERS/ACCUSED NO. 1 & 2:

1. T.V.GOPI, AGED 52 YEARS,
S/O. VAVACHAN, TATHANADU, MUHAMMA P.O.,
WARD NO.12, KANJIKUZH, ALAPPUZHA.
2. B.BABU, AGED 49 YEARS,
S/O. LATE BHASKARAN, NARAYANA MANGALATH, VARANAM P.O.,
THANNIRMUKKOM SOUTH VILLAGE, CHERTHALA,
ALAPPUZHA DISTRICT.

BY ADVS.SRI.A.MOHAMMED
SRI.K.I.SAGEER

RESPONDENT/STATE & COMPLAINANT:

STATE OF KERALA,
REP. BY SUB INSPECTOR OF POLICE,
(FIR NO. 768/2015) MUHAMMA POLICE STATION, MUHAMMA,
ALAPPUZHA DISTRICT, REP. THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.K.RAJEEV

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

K.P.JYOTHINDRANATH, J.

B.A.No.7049 OF 2015

Dated this the 2nd day of December, 2015

ORDER

This is an application filed under Section 438 of the Code of Criminal Procedure. Petitioner apprehends arrest and detention in connection with Crime No.768/2015 of Muhamma Police Station. The offences are under Sections 406, 420 r/w Section 34 of IPC.

2. The case of the petitioners is that the first petitioner is a politician who contested in the last grama panchayath election in the banner of Congress I. It is the further submission that the defacto complainant also contested in the election in the banner of CPIM. It is also submitted that now due to political reasons, a false complaint has been filed before the Police alleging that the first petitioner herein offered job in the Rubber Board and also received a sum of Rs.65,000/- and misappropriated the same. It is the submission that there is an alleged cheating by the first petitioner herein.

3. I heard the learned Public Prosecutor. The learned Public Prosecutor submitted before me that in this case custodial interrogation is highly necessary

3. After considering the submission and also considering the totality of the case, a direction is given to the Police to the effect that before arresting the petitioners, Section 41 and Section 41A of Cr.P.C. should be considered and thereafter alone, if any arrest is necessary, the petitioner shall be arrested.

With the above specific direction, the anticipatory bail application is dismissed.

K.P.JYOTHINDRANATH
JUDGE

SV.