

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Bail Appl..No. 7296 of 2015 ()

**CRIME NO. 3102/2015 OF PATHANAMTHITTA POLICE STATION,
PATHANAMTITTA DISTRICT**

PETITIONERS/ACCUSED 1 & 2 :

- 1. K. PADMAKUMAR, AGED 53 YEARS,
LEKSHMI VILASAM, PRAMADAM, PATHANAMTHITTA.**
- 2. C.N.VIKRAMAN, AGED 67 YEARS,
VIJAYABHAVANAM, KANNAM KARA, PATHANAMTHITTA.**

BY ADV. SRI.A.N.RAJAN BABU

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. SUB INSPECTOR OF POLICE
PATHANAMTHITTA POLICE STATION,
PATHANAMTHITTA-689645.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A. HARIPRASAD, J.

Bail Appl. No.7296 of 2015

Dated this the 20th day of November 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.1 and 2 in Crime No.3102 of 2015 of Pathanamthitta Police station registered for the offences punishable under Secs.420, 120B, 409 and 477A read with Sec.34 of the Indian Penal Code. The 1st accused is the President of SNDP Yogam, Pathanamthitta Union and also the Chairman of State Poultry Development Corporation. The 2nd accused is the Secretary of the said Yogam. Prosecution case in short is that, the accused persons conspired together and during 2007-2008 misappropriated money earmarked for micro finance conducted under the aegis of SNDP and thereby cheated the banks and the beneficiaries. Annexure-B is the complaint filed before the Police.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. Learned counsel for the petitioners, relying

on Annexure C, the audited accounts issued by a Chartered Accountant, contended that the entire allegations are false and it can be seen so, from the accounts maintained by the union. Further, the union has infact, stood as a guarantor for this finance arrangements with banks and they have taken up the responsibility for waiving interest to the ultimate beneficiaries. It is also submitted that the petitioners are prepared to co-operate with investigation and are ready to produce all the documents.

5. Learned Public Prosecutor opposed the bail application.

Considering the nature of allegations, pre arrest bail is granted to the petitioners with the following conditions.

1. The petitioners shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation.

2. In the event of arrest, the petitioners shall be released on their executing a bond for

Rs.25,000/- (Rupees twenty five thousand only)
each with two solvent sureties each for the like
sum to the satisfaction of the investigating
officer.

3. The petitioners shall appear before the
Investigating Officer for interrogation as and
when directed by him in writing.

4. The petitioners shall not intimidate or
attempt to influence the witnesses, nor shall
they tamper with the evidence.

5. The petitioners shall co-operate with
investigation of the case.

In case of violation of any of the above
conditions, the learned Magistrate is empowered to
cancel the bail in accordance with law without referring
the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /