

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Bail Appl..No. 7921 of 2014

CRIME NO. 1205/2014 OF MUSEUM POLICE STATION, THIRUVANANTHAPURAM.
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PETITIONER:

**AJAYAKUMAR,
S/O.VIJAYAKUMAR, AGED 28 YEARS,
KARTHIKA BHAVAN, PUTHENVEETUMELE,
PERUKAVU (P.O), THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.P.I.GEORGEKUTTY

RESPONDENT:

**STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
MUSEUM POLICE STATION,
THIRUVANANTHAPURAM,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

A.HARIPRASAD, J.

B.A No.7921 of 2014

Dated this the 15th day of September, 2015.

ORDER

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

2. Petitioner is the accused in Crime No.1205 of 2014 of Museum Police Station registered for offences punishable under Sections 406 and 420 I.P.C.

3. Prosecution case, in short, is that the petitioner while conducting a courier service failed to deliver 35 printers send by a company, viz; M/s.Cube IT Solutions as ordered by Inspector General of Registration Department. Prosecution alleged that apart from cheating, to short delivery of articles amounting to misappropriation has also been committed.

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

5. Learned counsel for the petitioner submitted that there is no proof for entrustment of the articles to the petitioner. According to him, only 85 printers were entrusted. All these

matters are to be brought out in investigation. I am not impressed that the petitioner is entitled to get pre-arrest bail.

Hence, following directions are issued :

The petitioner shall surrender before the Investigating Officer within a period of two weeks 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 petitioner fails to do so in the stipulated time, this order will automatically cease to operate.

amk

Sd/-
A.HARIPRASAD,
JUDGE.

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P.A to Judge