

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

Bail Appl..No. 8117 of 2014 (D)

Crl.MP 3298/2014 of SESSIONS COURT, PALAKKAD
CRIME NO. 1273/2014 OF NENMARA POLICE STATION , PALAKKAD

PETITIONER/ACCUSED:

ANTO JACOB K., AGED 33 YEARS
S/O.LATE K.A.JACOB, KOLLANNUR HOUSE
S.N.PARK ROAD, POOTHOLE POST, THRISSUR-4.

BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA ERNAKULAM REPRESENTING S.H.O.
NEMMARA POLICE STATION PALAKKAD DISTRICT.

BY PUBLIC PROSECUTOR, SHRI.K.K.RAJEEV

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 02-06-2015,
THE COURT ON 03-06-2015 PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Bail Application No.8117 of 2014 A

Dated this the 3rd day of June 2015

O R D E R

The petitioner is the accused in crime No.1273/2014 of Nemmara police station registered under Sections 409 and 420 of I.P.C.

2. The prosecution allegation can be briefly stated as follows. The petitioner was an employee of the South Indian Bank. While so, he misappropriated an amount of ₹95,300/- from the account of Sivadasan maintained with the bank during the period from 1.4.2010 to 10.4.2010. It is further alleged that the petitioner had withdrawn the above said amount from the bank of the said Sivadasan using the A.T.M. Card, even though no A.T.M.

Card was received by the said Sivadasan. The petitioner filed this petition praying for the relief under Section 438 Cr.P.C.

3. Heard. The learned Public Prosecutor has opposed the application.

4. It has been submitted by the learned Public Prosecutor that investigation has to be conducted to ascertain the involvement of other persons, if any, in the crime. The petitioner is involved in two other crimes of similar nature. Since the petitioner had misappropriated the amount on three occasions, his service was terminated from the bank. The investigation reveals that a total loss of ₹1,11,430/- was sustained by the bank due to the act of the petitioner. Considering the facts and circumstances of the case, I am of the view that a detailed enquiry is necessary in this case to find out as to whether any other person was also involved in the

commission of the offence in this case along with the petitioner. From the facts and circumstances of the case, I am of the view that the custodial interrogation of the petitioner is necessary for the progress of the investigation of the case.

5. It has been submitted by the learned counsel for the petitioner that the petitioner had filed Annexure A1 letter to the Reserve Bank of India requesting for investigation regarding the irregularities in the bank and in response to the said letter, the Reserve Bank of India had called for remarks from the Bank. Since the petitioner had sent Annexure A1 letter to the Reserve Bank of India, the petitioner has been falsely implicated in this case, submitted by the learned counsel for the petitioner. Annexure A3 letter issued by the petitioner to the Reserve Bank of India also annoyed the officials of the South Indian Bank. It appears that there are materials to *prima facie* connect the petitioner with the commission of the offence. Two other crimes of similar nature are

also pending against the petitioner. Considering the facts and circumstances of the case, it cannot be said, at this stage, that the petitioner was falsely implicated in this case, as the petitioner had sent Annexure A1 and Annexure A3 letters to the Reserve Bank of India, as contended by the petitioner.

Considering the nature and gravity of the allegations against the petitioner, an order under Section 438 Cr.P.C. in favour of the petitioner will not be justified in this case.

In the result, this bail application stands dismissed. However, the petitioner shall be at liberty to surrender before the Investigating officer within ten days from today. In the event of such surrender by the petitioner before the Investigating Officer, the Investigating Officer shall produce the petitioner before the jurisdictional Magistrate Court after interrogation and if the petitioner files an application for bail at the time of production of the petitioner before the jurisdictional Magistrate, the learned

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Magistrate shall consider and dispose of the application, in accordance with law, as expeditiously as possibly, preferably on the date of surrender itself.

sd/

**B.SUDHEENDRA KUMAR,
JUDGE**

dl

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PA TO JUDGE