

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

Bail Appl..No. 8188 of 2014 ()

**CRIME NO. 1277/2014 OF PALAKKAD TOWN SOUTH POLICE STATION,
PALAKKAD DISTRICT**

PETITIONER/ACCUSED:-:

**VIJAYAN, AGED 67 YEARS
S/O.RAMAN NAIR, SANTHI HOUSE, MATTUMANATHA
C.N.PURAM, PALAKKAD - 5.**

BY ADV. SRI.P.JAYARAM

RESPONDENT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

.....
B.A. No.8188 of 2014
.....

Dated this the 8th day of January, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1277/2014 of the Town South Police Station, Palakkad registered for the offence punishable under Section 379 of the Indian Penal Code.

3. The allegation against the petitioner is that while he was working as Senior Accountant on contract basis at the programme implementation unit of PMGYS Office, Palakkad, he had committed theft of supporting vouchers of petty bill vouchers, T.A. bills, hire charges etc. for the period from 29.10.2011 to 12.03.2014.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. Perused the CD.

5. According to the learned counsel for the petitioner, the petitioner has been falsely implicated and the crime has been falsely foisted against him as he had questioned some illegal transactions at the office and the present crime is a sheer victimization. It is also pointed out that no criminal antecedents have been reported against him. Whatever be it, when the missing vouchers have not been recovered, this is a case wherein the custodial interrogation of the petitioner is required for the continued investigation of this case. Investigation of this case is not over. It is a fact that the petitioner has no criminal background at all. When custodial interrogation is required, this is not a fit case wherein anticipatory bail can be granted to the petitioner. At the same time, the aforesaid matters can be considered by the court when considering the application for regular bail, if any.

6. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the

investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge