

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Bail Appl..No. 8406 of 2014 ()

CRIME NO. 1643/2014 OF ERAVIPURAM POLICE STATION , KOLLAM DISTRICT

PETITIONER/ACCUSED:

**LUBEEKAR.T., AGED 32 YEARS,S/O.THAJUDEEN,
SHARKARA PADINJATTATHIL, PARAYATH MUKKU,
THATTAMALA P.O, KOLLAM.**

**BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN**

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No. 8406 of 2014

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Dated this the 15th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1643 of 2014 of the Eravipuram Police Station, registered for the offences punishable under Sections 406 and 420 IPC.

3. The allegation against the petitioner is that he committed criminal breach of trust and misappropriated an amount of ₹6,00,000/- while working as salesman in the shop of the defacto complainant, for the period from April 2013 till the date of complaint.

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

5. The contents of the CD *prima facie* reveal the

complicity of the petitioner. This is a case, wherein, the custodial interrogation of the petitioner is required for the continued investigation of this case. The allegations against the petitioner are very grave and serious. Considering all the above, I am of the view that this is not a case wherein the discretionary relief of anticipatory bail can be granted to the petitioner.

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

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PA to Judge