

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Bail Appl..No. 8825 of 2014

CRIME NO. 1456/2014 OF ARANMULA POLICE STATION, PATHANAMTHITTA

PETITIONER(S)/1ST ACCUSED:

MUKESH, AGED 23 YEARS
S/O.MOHAN, ASHANPARAMBIL HOUSE, NALKALIKKAL P.O.
ARANMULA, KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.K.S.SIVA KUMAR
SRI.C.B.SREEKUMAR

RESPONDENT(S)/STATE:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
ERNAKULAM - 682031

2. S.I OF POLICE,
ARANMULA POLICE STATION 689645

BY PUBLIC PROSECUTOR SRI. JUSTICE JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22-
06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RAJA VIJAYARAGHAVAN.V. J

B.A. 8825 of 2014

Dated 22nd June, 2015

ORDER

This application for anticipatory bail is preferred by the 1st accused in Crime No.1456 of 2014 of the Aranmula police station. The said crime is registered for offence punishable under Sections 420 and 406 r/w Section 34 of IPC.

2. The gist of the prosecution allegation is that the accused, three in number, in furtherance of their common intention to cheat the de facto complainant induced him to deliver the ATM card belonging to him with the State Bank of Travancore and using the same, withdrew a total amount of Rs.73,000/- from the Aranmula Branch of the Central Bank of India on 26.9.2014, 4.11.2014 and 7.11.2014 respectively. It is the specific allegation of the prosecution that the withdrawal of the amount was carried out by accused Nos.2 and 3. When accused Nos. 2 and 3 were arrested they are alleged to have confessed

about the role played by the petitioner herein who used to work in the S.V.G.V. H.S.S., Kidangannur as a Peon, in which the de facto complainant was the Manager.

3. I have heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

4. The learned counsel for the petitioner submitted that he was unnecessarily made an accused on the strength of the so called statement of the co-accused and that he had no role to play in the incident. It was submitted that the de facto complainant was having a grievance with the petitioner since there was some dispute between them during the period of his employment as a peon.

5. The learned Public Prosecutor has opposed the grant of anticipatory bail and submitted that the co accused have spoken about the role played by the petitioner and therefore arming the petitioner with an order of pre-arrest bail would be detrimental to the

prosecution case.

6. I have anxiously considered the rival contentions . The case diary reveals that the act of withdrawing the amount and all transactions connected with thereto were perpetrated by the accused No 2 and 3.I find merit in the submission of the learned counsel that the only reason why the petitioner has been implicated is because of the statements given by the co accused .

7. Considering the nature of allegations, prior antecedents and gravity of the crime and the facts and circumstances , I am of the opinion that, pre-arrest bail can be granted to the petitioner subject to stringent conditions.

(i). The petitioner in the event of arrest, shall be released on bail on his executing a bond for Rs.50,000/- (Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate

concerned.

(ii). He shall surrender his passport before the learned Magistrate and in case he is not holding any passport, he shall file an affidavit stating so, within five days of his release.

(iii). He shall not leave India without the previous permission of the jurisdictional court.

(iv). The petitioner shall cooperate with the investigation and shall appear before the Investigating Officer between 10 a.m and 11 a.m on every Wednesday for 3 months, or till the final report is filed, whichever is earlier.

(v). He shall not threaten or attempt to influence the witnesses and shall not get involved in any criminal case while on bail .

(vi). He shall in no event tamper or attempt to tamper with the evidence nor shall he hamper the investigation.

Violation of any of the above conditions

will entitle the jurisdictional Court to
cancel the bail in accordance with the
law.

In the result, this application is allowed.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True Copy//

P.S.ToJudge