IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE SHIRCY V.

FRIDAY, THE 28TH DAY OF FEBRUARY 2020 / 9TH PHALGUNA, 1941

Bail Appl..No.960 OF 2020

AGAINST THE ORDER IN CRMC 44/2020 DATED 21-01-2020 OF DISTRICT COURT & SESSIONS COURT, PALAKKAD

CRIME NO.580/2019 OF Alathur Police Station, Palakkad

PETITIONER/ACCUSED NO.3:

ABHIJITH
AGED 25 YEARS
PANIKKARKALAM VEEDU, KOTTAPPURAM P.O.,
SREEKRISHNAPURAM, PALAKKAD.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY STATION HOUSE OFFICER, ALATHUR POLICE STATION (CRIME NO.580/2019), REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PP SMT. SREEJA V

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.02.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 28th day of February 2020

This application is for regular bail under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the third accused in Crime No. 580 of 2019 of Alathur Police Station, Palakkad registered for the offences punishable under Sections 406, 420, 506 of IPC and Section 3 and 4 of the Money Circulation Act and Sections 3,4,5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act.

3. The petitioner has been in custody since 21.12.2019.

4. The prosecution allegation is as follows:

M/s. Everbeing Nidhi Limited, Palakkad is a company owned by the first accused. The accused Nos.2 to 4 are the employees of the said company and the accused Nos.5 to 10 are the directors of the company. The first accused had started the company with the dishonest intention to gain money illegally. The other accused induced public to deposit huge amount in the

company and this petitioner as the promoter had canvassed deposit from the public. This petitioner had taken promotion and motivational classes arranged in various hotels by the directors and induced the public to deposit money in the business. Thus huge amount has been deposited/invested by the public being attracted on their assurance that the amount will be returned with handsome interest. The defacto complainant has also deposited huge amount with the firm belief that it will be returned with an attractive amount as interest. This company has two sister concerns, namely, Gen to Gen Trend Enterprises and Gentrend Trades and Services Ltd and money deposited in the main company, were transferred to the sister concern, and misappropriated the same and thus the accused cheated the public/depositors.

5. Heard both sides.

6. The learned counsel for the petitioner has submitted that he is only an employee employed for a meagre amount as salary. In fact nothing has been paid as salary though he worked for few months. At last he was trapped in the case. He has no active participation in the business run by the owner of the firm as well

the directors. He is totally innocent. But he has been falsely implicated in the case and now booked by the police.

7. The learned public prosecutor has submitted that 69 cases are registered against the other accused within the jurisdiction of six police stations. They are having such crimes in Kottayam District also. So many cases have been registered against this petitioner also.

8. This petitioner has already been granted bail in B.A.No.966/2020.

Having considered the nature of accusations levelled against this petitioner as well the fact that the investigation has not been completed, but advanced to the stage of filing the final report, I am inclined to allow this petition subject to the following conditions:

(i) The petitioner shall be released on bail on his executing a bond for a sum of Rs. 1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the court having jurisdiction.

(ii) He shall appear before the Investigating Officer for interrogation as and when required by him ,in

writing.

(iii) He shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(iv) He shall not commit any offence while on bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-

SHIRCY V.

JUDGE

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