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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

BAIL APPL. NO. 2232 OF 2025

CRIME NO.1070/2023 OF Cherpu Police Station, Thrissur

PETITIONER/S:

SREENA SREEDHARAN
AGED 34 YEARS
W/O K.D. PRATHAPAN, DIRECTOR, HIGHRICH ONLINE SHOPPE PVT. LTD., CAPITAL ART BUSINESS SPACES, NJERUVISSERY, ARATTUPUZHA, THRISSUR, PIN - 680562

BY ADVS.
T.K.RAJESHKUMAR
MANOJ V GEORGE
T.N.BINDU
JIJO JOSE
RHUTHWIK KRISHNA

RESPONDENT/S:

1 **STATE OF KERALA**
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031

2 **SUB INSPECTOR OF POLICE**
CHERPU POLICE STATION, THRISSUR, KERALA, PIN - 680561

3 **P.A. VALSAN**
S/O GEORGE ABRAHAM, GREEN FEILD, ARAKILAD, PURTHUR, VADAKARA, KOZHIKODE RURAL, KERALA, INDIA,

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PIN - 673101

BY ADVS.
ADVOCATE GENERAL OFFICE KERALA
ANWIN JOHN ANTONY
DIRECTOR GENERAL OF PROSECUTION(AG-10)
SHRI.P.NARAYANAN, SPL. G.P. TO DGP AND ADDL. P.P. ()
SHRI.SAJJU.S., SENIOR G.P.()
JOYAL JACOB(K/000066/2025)

OTHER PRESENT:

SRI HRITHWIK C S, SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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P.V.KUNHIKRISHNAN, J

B.A. No. 2232 of 2025

Dated this the 11th day of April, 2025

O R D E R

The petitioner is the 3rd accused in Crime No. 1070/2023 of Cherpu Police Station. The above case is registered against the petitioner alleging offences punishable under Secs. 3, 4, 5 and 6 of the Prize Chits and Money Circulation Act and Secs. 21, 22 and 23 of the Banning of Unregulated Deposit Schemes Act, 2019.

2. The prosecution case is that the accused insitution -High Rich Online Shoppe Pvt. Ltd, as directors who are accused Nos 2 and 3 were operating the institution at Arattupuzha, Njeruvissery and was conducting online money chain business under the guise of trading of products such as grocery products, personal care products etc. and accepting deposits from the people offering huge interest without any legal authorisation.

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

4. When this bail application came up for consideration before this Court on 07.04.2025, this Court passed the following order :

> *"Petitioner shall appear before the Investigating Officer in Crime No.1070/2023 of Cherpu Police Station on 08.04.2025. The Investigating Officer can record the statement of the petitioner. Petitioner shall not be arrested till the next posting date.*
> *Post on 11.04.2025 "*

5. Today, when the matter came up for consideration, the Public Prosecutor submitted that the petitioner surrendered before the investigating officer and a statement is already recorded. The investigating officer submitted that, to collect specimen signature of the 3rd accused for signature comparison, the presence of the petitioner is necessary. The counsel for the petitioner submitted that the petitioner is ready to co-operate with the investigation. If that is the case, the petitioner can be

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directed to surrender before the investigating officer once again, so that the procedures can be completed. After that, if arrest is recorded, there can be a direction to release the petitioner on bail, after imposing stringent conditions.

6. Moreover, it is a well accepted principle that the bail is the rule and the jail is the exception. The Hon'ble Supreme Court in **Chidambaram. P v Directorate of Enforcement [2019 (16) SCALE 870],** after considering all the earlier judgments, observed that, the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial.

7. Recently the Apex Court in **Siddharth v State of Uttar Pradesh and Another [2021(5)KHC 353]** considered the point in detail. The relevant paragraph of the above judgment is extracted hereunder.

> "12. We may note that personal liberty is an important aspect of our constitutional mandate. The occasion to

> arrest an accused during investigation arises when custodial investigation becomes necessary or it is a heinous crime or where there is a possibility of influencing the witnesses or accused may abscond. Merely because an arrest can be made because it is lawful does not mandate that arrest must be made. A distinction must be made between the existence of the power to arrest and the justification for exercise of it. (Joginder Kumar v. State of UP and Others (1994 KHC 189: (1994) 4 SCC 260: 1994 (1) KLT 919: 1994 (2) KLJ 97: AIR 1994 SC 1349: 1994 CriLJ 1981)) If arrest is made routine, it can cause incalculable harm to the reputation and self-esteem of a person. If the Investigating Officer has no reason to believe that the accused will abscond or disobey summons and has, in fact, throughout cooperated with the investigation we fail to appreciate why there should be a compulsion on the officer to arrest the accused."

8. In **Manish Sisodia v. Central Bureau of Investigation [2023 KHC 6961]**, the Apex Court observed that even if the allegation is one of grave economic offence, it is not a rule that bail should be denied in every case.

9. Considering the dictum laid down in the above decision and considering the facts and circumstances of this case, this Bail Application is allowed with the

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following directions:

1. The petitioner shall appear before the Investigating Officer within two weeks from today and shall undergo interrogation.

2. After interrogation, if the Investigating Officer propose to arrest the petitioners, she shall be released on bail on executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the arresting officer concerned.

3. The petitioner shall appear before the Investigating Officer for interrogation as and when required. The petitioner shall co-operate with the investigation and 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/her from disclosing such facts to the Court or to any police officer.

4. Petitioner shall not leave India without permission of the jurisdictional Court.

5. Petitioner shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which she is suspected.

6. Needless to mention, it would be well within the powers of the investigating officer to investigate the matter and, if necessary, to effect recoveries on the information, if any, given by the petitioners even while the petitioner is on bail as laid down by the Hon'ble Supreme Court in ***Sushila Aggarwal v. State (NCT of Delhi) and another*** [2020 (1) KHC 663].

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7. The observations and findings in this order is only for the purpose of deciding this bail application. The principle laid down by this Court in ***Anzar Azeez v. State of Kerala*** [2025 SCC OnLine KER 1260] is applicable in this case also.

8. If any of the above conditions are violated by the petitioner, the jurisdictional Court can cancel the bail in accordance to law, even though the bail is granted by this Court. The prosecution and the victim are at liberty to approach the jurisdictional Court to cancel the bail, if any of the above conditions are violated.

Sd/-

P.V.KUNHIKRISHNAN
JUDGE

SKS