2025:KER:29864

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947

BAIL APPL. NO. 4077 OF 2025

CRIME NO.150/2025 OF ARUVIKKARA POLICE STATION,

Thiruvananthapuram

PETITIONER(S)/11th ACCUSED:

SOMANADHAN M
AGED 63 YEARS, S/O MADHAVANPILLAI,
SUMTHRUPTHY(H), MUNDELA P.O., VELLAMAD,
THIRUVANANTHAPURAM, PIN – 695 543

BY ADVS.
JIBU P THOMAS
KULATHUR S.V. PREMAKUMARAN NAIR
DEVIKA VISWOM
SNEHA SABU

RESPONDENT(S)/STATE:

1 **STATE OF KERALA**
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN – 682 031

2 **STATION HOUSE OFFICER**
ARUVIKKARA POLICE STATION, ARUVIKKARA,
THIRUVANANTHAPURAM, PIN – 695 564

ADDL. R3 INSPECTOR OF POLICE
CRIME BRANCH, CENTRAL UNIT-1V (CB-CU-IV),
THIRUVNANTHAPURAM (IMPLEADED AS ADDL.3RD
RESPONDENT AS PER ORDER DATED 07.04.2025 IN
CRL.MA NO.01/2025)



BY ADV.:

SR PP - NOUSHAD K A

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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P.V.KUNHIKRISHNAN, J.

BA No.4077 of 2025

Dated this the 07th day of April, 2025

O R D E R

This bail application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

2. Petitioner is the 11th accused in Crime No.150/2025 of Aruvikkara Police Station, Thiruvananthapuram. The above case is registered against the petitioner and others alleging offences punishable under Sections 409 and 420 r/w 34 of Indian Penal Code.

3. The prosecution case is that, during the period from 01.04.2021 to 31.05.2024, while working



with the staff and others of Rajiv Gandhi Residence Welfare Co-operative Society, Nedumangad Taluk, where the complainant served as a part-time administrator, the petitioner and other accused, with an intention to cheat and defraud the investors of the said group, misappropriated an amount of Rs.24,74,21,480/-. Hence, it is alleged that the accused committed the offence.

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

5. When this bail application came up for consideration on 01.04.2025, this Court passed the following order:

> *"The petitioner shall appear before the Investigating Officer in Crime No.150/2025 of Aruvikkara Police Station on 04.04.2025. The Investigating Officer can interrogate the petitioner and after interrogation, Investigating Officer will submit a report before this Court as to whether further custodial interrogation is necessary. The*



petitioner shall not be arrested till the next posting date.

Post on 07.04.2025.

Issue a copy of this Order to the Public Prosecutor who will communicate the same to the Investigating Officer."

6. Today, when this matter came up for consideration, the Public Prosecutor submitted that the petitioner surrendered before the Investigating Officer. Public Prosecutor submitted that the petitioner may be directed to co-operate with the investigation. If that be the case, the petitioner can be directed to surrender before the Investigating Officer once again so that the procedure can be completed. After interrogation, if the petitioner is arrested, there can be a direction to release the petitioner on bail.

Therefore, this bail application is allowed with the following conditions:



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 petitioner, he 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 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 he is accused, or suspected, of the commission of which he is suspected.

6. 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.*

7. Needless to mention, it would be well within the powers of the investigating officer to investigate the matter and, if

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necessary, to effect recoveries on the information, if any, given by the petitioner 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].*

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 this 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

nvj