2025:KER:30355

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 4530 OF 2025

CRIME NO.799/2024 OF ARUVIKKARA POLICE STATION, Thiruvananthapuram

AGAINST THE ORDER/JUDGMENT DATED IN Bail Appl. NO.9601 OF 2024 OF HIGH COURT OF KERALA

PETITIONER/S:

SUNILKUMAR A S
AGED 54 YEARS
S/O E APPUKUTTAN NAIR, JAYABHAVAN, MUNDELA, MUNDELA P.O, VELLANAD, THIRUVANANTHAPURAM,
PIN - 695543

BY ADV V.A.VINOD

RESPONDENT/S:

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

2 **STATION HOUSE OFFICER**
ARUVIKKARA POLICE STATION, THIRUVANANTHAPURAM,
PIN - 695564

SR PP-NOUSHAD K A

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, ALONG WITH Bail Appl..4524/2025, 4527/2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 4524 OF 2025

CRIME NO.804/2024 OF ARUVIKKARA POLICE STATION, Thiruvananthapuram

AGAINST THE ORDER/JUDGMENT DATED IN Bail Appl. NO.9608 OF 2024 OF HIGH COURT OF KERALA

PETITIONER/S:

SUNILKUMAR A S
AGED 54 YEARS
S/O E APPUKUTTAN NAIR, JAYABHAVAN, MUNDELA, MUNDELA
P.O, VELLANAD, THIRUVANANTHAPURAM, PIN - 695543

BY ADV V.A.VINOD

RESPONDENT/S:

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

2 STATION HOUSE OFFICER
ARUVIKKARA POLICE STATION, THIRUVANANTHAPURAM,
PIN - 695564

PP-SEENA C

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, ALONG WITH Bail Appl..4530/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 4527 OF 2025

CRIME NO.798/2024 OF ARUVIKKARA POLICE STATION, Thiruvananthapuram

AGAINST THE ORDER/JUDGMENT DATED IN Bail Appl. NO.9560 OF 2024 OF HIGH COURT OF KERALA

PETITIONER/S:

SUNILKUMAR A S
AGED 54 YEARS
S/O E APPUKUTTAN NAIR, JAYABHAVAN, MUNDELA, MUNDELA P.O, VELLANAD, THIRUVANANTHAPURAM,
PIN - 695543

BY ADV V.A.VINOD

RESPONDENT/S:

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

2 STATION HOUSE OFFICER
ARUVIKKARA POLICE STATION, THIRUVANANTHAPURAM,
PIN - 695564

SR PP-NOUSHAD K A

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, ALONG WITH Bail Appl..4530/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

B.A Nos.4530, 4524 & 4527 OF 2025

Dated this the 08th day of April, 2025

C O M M O N O R D E R

These Bail applications filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 are connected and therefore, I am disposing of these cases by a common order.

2. The petitioner in this batch of cases is the same person. The petitioner is arrayed as an accused in Crime Nos.799/2024, 804/2024 & 798/2024 of Aruvikkara Police Station, Thiruvananthapuram. The offences alleged are under Sections 316(5), 318(4) and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The common case in these crimes is that the accused accepted fixed deposits from the defacto complainants in these cases and failed to return the payments on maturity. It is alleged that the accused misappropriated the amount and thus cheated the defacto complainants.

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

5. The counsel appearing for the petitioner submitted that, even if the entire allegations are accepted, no offence is made out against the petitioner. The counsel for the petitioner submitted that the Society is facing financial crisis and therefore the amount deposited is not disbursed. It is also submitted that the petitioner does not even know the defacto complainants in these cases. The counsel also submitted that the petitioner was working as a Peon in the Society. The counsel submitted that the 1st accused already committed suicide because of the registration of these cases. The counsel also submitted that the petitioner is ready to co-operate with the investigation.

6. The Public Prosecutor seriously opposed the bail application. The Public Prosecutor submitted that the petitioner is actively involved in these cases. The Public Prosecutor also submitted that the custodial interrogation of the petitioner is necessary.

7. This Court considered the contentions of the petitioner and the Public Prosecutor. After hearing both sides, I am of the considered opinion that the petitioner has to surrender before the Investigating Officer. The Investigating Officer can interrogate the petitioner, if necessary, continuously for 10 days from 10 am to 5 pm or for a period as the Investigating Officer wish. During the period of interrogation, the petitioner shall not be arrested. After interrogation, the Investigating Officer can record arrest, if necessary. If arrest is recorded, the petitioner can be directed to be produced before the jurisdictional court and the jurisdictional court can consider the bail application, if an application is filed with advance copy to the Prosecutor concerned. I make it clear that this order will not stand in the way of the Investigating Officer arresting the other accused.

Hence these bail applications are disposed of with the following directions:

1. The petitioner will surrender before the Investigating Officer within four weeks from today.

The Investigating Officer can interrogate the petitioner continuously for 10 days, if necessary from 10 am to 5 pm or for a period as the Investigating Officer wish. Thereafter, if arrest is recorded, the Investigating Officer shall produce the petitioner before the jurisdictional court.

2) The petitioner is free to file a bail application before the jurisdictional court at the time of producing him before the Magistrate. If such a bail application is filed with advance copy to the prosecutor concerned, the jurisdictional court will consider that bail application in accordance with law and pass appropriate orders in it preferably on the date of filing of the same itself.

3) The Investigating Officer is free to file custody application, if necessary, at the time of producing the petitioner and if such an application is filed, the

jurisdictional court shall pass appropriate orders in it, before considering the bail application.

Sd/-

P.V.KUNHIKRISHNAN, JUDGE

SSG