2025:KER:32238

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. 5545 OF 2025

CRIME NO.240/2025 OF Cantonment Police Station,

Thiruvananthapuram

PETITIONER(S)/ACCUSED NO.3 TO 6:

1 **N.M RAJU**
AGED NOT KNOWN S/O GEORGE NEDUMPARAMBIL
GARDENS, KUTTAPUZHA P.O, THIRUVALLA,
PATHANAMTHITTA DISTRICT, PIN - 689103

2 **GRACE RAJU**
AGED 57 YEARS
W/O N.M RAJU, NEDUMPARAMBIL GARDENS,
KUTTAPUZHA P.O., THIRUVALLA, PATHANAMTHITTA
DISTRICT, PIN - 689103

3 **ALAN**
AGED 33 YEARS
S/O N.M RAJU, NEDUMPARAMBIL GARDENS,
KUTTAPUZHA P.O., THIRUVALLA, PATHANAMTHITTA
DISTRICT, PIN - 689103

4 **ANSON**
AGED 31 YEARS
W/O N.M RAJU, NEDUMPARAMBIL GARDENS,

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KUTTAPUZHA P.O., THIRUVALLA, PATHANAMTHITTA DISTRICT, PIN - 689103

BY ADVS.
JAI GEORGE
DAISY A.PHILIPOSE
DARSHAN A.D.

RESPONDENT(S):

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

2 STATION HOUSE OFFICER
CANTONMENT POLICE STATION, STATUE, PALAYAL P.O., THIRUVANANTHAPURAM, PIN - 695001

BY ADV.

SRI. G.SUDHEER PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.04.2025, ALONG WITH Bail Appl..5549/2025, 5557/2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:32238

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. 5549 OF 2025

CRIME NO.685/2025 OF CBCID, ERNAKULAM, Ernakulam

PETITIONER(S)/ACCUSED NO.1 TO 4:

1 **N.M RAJU**
AGED NOT KNOWN S/O GEORGE NEDUMPARAMBIL GARDENS, KUTTAPUZHA P.O, THIRUVALLA, PATHANAMTHITTA DISTRICT, PIN - 689103

2 **GRACE RAJU**
AGED 57 YEARS
W/O N.M RAJU, NEDUMPARAMBIL GARDENS, KUTTAPUZHA P.O., THIRUVALLA, PATHANAMTHITTA DISTRICT, PIN - 689103

3 **ALAN**
AGED 33 YEARS
S/O N.M RAJU, NEDUMPARAMBIL GARDENS, KUTTAPUZHA P.O., THIRUVALLA, PATHANAMTHITTA DISTRICT, PIN - 689103

4 **ANSON**
AGED 31 YEARS
S/O N.M RAJU, NEDUMPARAMBIL GARDENS, KUTTAPUZHA P.O., THIRUVALLA, PATHANAMTHITTA

2025:KER:32238

DISTRICT, PIN - 689103

BY ADVS.
JAI GEORGE
DAISY A.PHILIPOSE
DARSHAN A.D.

RESPONDENT(S)/STATE:

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

BY ADV.

SRI. NOUSHAD K A SR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.04.2025, ALONG WITH Bail Appl..5545/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:32238

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. 5557 OF 2025

CRIME NO.240/2025 OF Cantonment Police Station,

Thiruvananthapuram

PETITIONER(S)/ACCUSED NO.7 TO 9:

1 **ASHLIN SARA**
AGED 26 YEARS
D/O N.M RAJU, NEDUMPARAMBIL GARDENS,
KUTTAPUZHA P.O, THIRUVALLA, PATHANAMTHITTA
DISTRICT, PIN - 689103

2 **PRINCY ALAN**
AGED 33 YEARS
W/O ALAN, NEDUMPARAMBIL GARDENS, KUTTAPUZHA
P.O., THIRUVALLA, PATHANAMTHITTA DISTRICT,
PIN - 689103

3 **MARIYA ANSON**
AGED 30 YEARS
W/O ANSON, NEDUMPARAMBIL GARDENS, KUTTAPUZHA
P.O., THIRUVALLA, PATHANAMTHITTA DISTRICT,
PIN - 689103

2025:KER:32238

BY ADVS.
JAI GEORGE
DAISY A.PHILIPOSE
DARSHAN A.D.

RESPONDENT(S)/STATE:

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

2 **STATION HOUSE OFFICER**
CANTONMENT POLICE STATION, STATUE, PALAYAL P.O., THIRUVANANTHAPURAM, PIN - 695001

BY ADV. SRI. NOUSHAD K A, SR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.04.2025, ALONG WITH Bail Appl..5545/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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P.V.KUNHIKRISHNAN, J

Bail Appl. Nos.5545, 5549 & 5557 of 2025

Dated this the 11th day of April, 2025

O R D E R

These Bail Applications filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) are connected and therefore, I am disposing of these bail applications by a common order.

2. Petitioners in B.A. Nos.5545 & 5557 of 2025 are the accused in Crime No.240/2025 of Cantonment Police Station, Thiruvananthapuram. Petitioners in B.A. No.5549 of 2025 are the accused in Crime No.685/2024 of Crime Branch (EOW), Ernakulam. The above cases are registered against the petitioners

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alleging offences punishable under Sections 406, 409 and 420 r/w 34 of the Indian Penal Code, 1860 and Sections 3, 21, 5 & 23 of the Banning of Unregulated Deposit Schemes Act, 2019 (BUDS Act).

3. The prosecution case is that, on different dates the de-facto complainants in these cases deposited different amounts with M/s. Neduparambil Credit Syndicate, upon their assurance of high rate of interest on deposit, and in spite of the repeated demand, the deposited amount or its interest was not repaid. Hence it is alleged that the accused committed the above said offences.

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

5. Admittedly, the petitioners were in



custody for about 177 days in connection with the cases registered with similar allegations. Petitioners' arrest was not recorded in these case. The Public Prosecutor submitted that, notice was issued to the petitioners in some cases and their statements were also recorded by the Investigating Officer. If that be the case, the custodial interrogation of the petitioners may not be necessary. Considering the facts and circumstances of the case, I think this bail application can be allowed on 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,

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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 these cases, these Bail Applications are allowed with the following directions:

1. The petitioners 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, they shall be released on bail on executing a bond for



a sum of Rs.50,000/-(Rupees Fifty Thousand only) each with two solvent sureties each for the like sum to the satisfaction of the arresting officer concerned.

3. The petitioners shall appear before the Investigating Officer for interrogation as and when required. The petitioners 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 them from disclosing such facts to the Court or to any police



officer.

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

5. Petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are 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 necessary, to effect recoveries on the information, if any, given by the petitioners even while the petitioners are 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 petitioners, the jurisdictional Court can cancel the bail in accordance to law,

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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

DM