

Deepa Vs. State of Kerala

Deepa Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1097573

Court : Kerala

Decided On : Oct-30-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Deepa

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 30TH DAY OF OCTOBER 2013 8TH KARTHIKA, 1935 Bail Appl..No. 5796 of 2013 ()
----- CRIME NO. 405/2007 OF KUNNICODE POLICE STATION , KOLLAM DISTRICT -----
PETITIONER/ACCUSED: ----- DEEPA, AGED 32 YEARS, D/O.SASIPRABHA, PANDIYAZHIKATHU VEEDU, NJARAKADU MURI, THALAVOOR VILLAGE, PATHANAPURAM TALUK, KOLLAM DISTRICT. BY ADVS.SRI.C.PRATHAPACHANDRAN PILLAI SRI.SUNIL J.CHAKKALACKAL
RESPONDENTS : ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE, KUNNICODU POLICE STATION, KOLLAM DISTRICT-691 001 R1 & R2 BY PUBLIC PROSECUTOR SRI. SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION

ON3010-2013, ALONG WITH BA.NO. 6048 OF2013 THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts THOMAS P. JOSEPH, J.

----- Bail Appl. Nos.5796 & 6048 of 2013
----- Dated this the 30th day of October 2013

ORDER

These applications are preferred by the 2nd and 1st accused respectively, in Crime No.405 of 2007 of the Kunnicode Police station for the offences punishable under Secs.403, 405, 408, 409 and 477 read with Sec.34 of the Indian Penal Code. Allegation is that the petitioners, as staff of the Thalavur Co-operative Bank made false entries in the records and misappropriated Rs.5,15,544/- (Rupees five lakhs fifteen thousand five hundred and forty four only) .

2. Learned counsel submits that the allegations are false. Learned counsel for the petitioner (A1) in B.A. No.6048 of 2013 submits that by Annexure A2, the petitioner has deposited the amount involved in the bank.

3. Learned Public Prosecutor submitted that there is no instruction regarding deposit of any such amount.

4. Having heard the learned counsel for the petitioners and the learned Public Prosecutor, I am inclined to grant relief to the petitioners but, subject to conditions. Bail Appl. Nos.5796 & 6048 of 2013 2 Resultantly, these applications are allowed as under.

1. Petitioners shall report to the officer investigating Crime No.405 of 2007 of the Kunnicode Police Station on 05.11.2013 at 10.00 a.m. for interrogation.

2. In case interrogation of the petitioners is not completed that day, it is open to the investigating officer to direct presence of the petitioners on any other day/days and time which the petitioners shall comply.

3. In case arrest of the petitioners is recorded, they shall be produced before the jurisdictional magistrate the same day.

4. On such production, the learned magistrate shall release the petitioners on bail (if not required to be detained otherwise) on their executing bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions: a) Petitioners shall, unless the Secretary of Bail Appl. Nos.5796 & 6048 of 2013 3 the bank concerned files a statement acknowledging deposit of Rs.5,15,544/- (Rupees five lakhs fifteen thousand five hundred and forty four only) in the bank concerned and produce the receipt before the learned magistrate while executing the bail bond. b) Petitioners shall report to the investigating officer as and when required for interrogation at all reasonable time and places. c) Petitioners shall not get involved in any similar offence during the period of this bail. d) In case any of the above condition is violated, it is open to the investigating officer to file application before the learned magistrate for cancellation of the bail granted hereby, as held in P.K. Shaji V. State of Kerala (AIR 2006 SC100. THOMAS P. JOSEPH JUDGE NS

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com