

Balakrishnan Vs. State of Kerala

Balakrishnan Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1098658

Court : Kerala

Decided On : Oct-31-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Balakrishnan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE
HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 31ST DAY
OF OCTOBER 2013 9TH KARTHIKA, 1935 Bail Appl..No. 7166 of 2013 ()
----- CRIME NO. 803/2013 OF SREEKRISHNAPURAM
POLICE STATION, PALAKKAD DISTRICT -----
PETITIONERS/ACCUSED 34,5,7 AND 10

----- 1. BALAKRISHNAN,
AGED 35 YEARS, S/O. RAMANKUTTY GUPTHAN, MELETHIL VEEDU,
ATTASSERY POST, SREEKRISHNAPURAM, PALAKKAD.

2. HARIDAS, AGED 32 YEARS, S/O. RAMANKUTTY GUPTHAN, MELETHIL
VEEDU, ATTASSERY POST, SREEKRISHNAPURAM, PALAKKAD.

3. RAJENDRAN, AGED 27 YEARS, S/O. ITTERI, MOOCHIKUZHAYIL VEEDU,
ATTASSERY POST, PALAKKAD.

4. MOHAMMED BASHEER, AGED 30 YEARS, S/O. KOMA, KOLATHADI VEEDU, ATTASSERY POST, PALAKKAD.

5. SURYAN, AGED 29 YEARS, S/O. KRISHNANKUTTY, PULIKKANCHERRY VEEDU, SREEKRISHNAPURAM, PALAKKAD. BY ADVS.SRI.V.V.ASOKAN SRI.P.P.RAMACHANDRAN RESPONDENT : ----- STATE OF KERALA, (STATION HOUSE OFFICER, SREEKRISHNAPURAM POLICE STATION), REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI. ROY THOMAS THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-10-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts THOMAS P. JOSEPH, J ----- B.A.No.7166 of 2013 ----- Dated this the 31th day of October, 2013

ORDER

Petitioners are accused Nos. 3 to 5 and 7 to 10, in Crime No.803 of 2013 of the Sreekrishnapuram Police Station for the offences punishable under Sections 409, 420 and 201 r/w Section 34 of the Indian Penal Code. Allegation is that between 15-12-2011 and 01-10-2013, accused 3 to 21 pledged fake gold ornaments and availed loan from the Karimpuzha branch of the SBT with the connivance of accused 1 and 2, Chief Cashier and appraiser of that Bank, causing loss of around Rs.1 1/2 Crores to the Bank.

2. Learned counsel submits that custody of the petitioners is not required for the reason that the real culprits are accused 1 and 2 who have substituted genuine gold ornaments with spurious one, some of the accused already arrested and relevant information is already collected by the investigating officer and the relevant records are taken to custody by them.

3. Learned Public Prosecutor opposed the application.

4. Allegation against these petitioners is that they have produced fake gold ornaments. Whether, they had B.A.No.7166 of 2013 2 produced genuine gold and that was replaced by anybody is a matter for investigation. I cannot pronounce verdict on that.

5. Having regard to the circumstances of the case, I am inclined to think that the petitioners are required to be interrogated by the investigating officer. Hence, the following directions are issued: a) Petitioners shall surrender before the officer investigating Crime No.803 of 2013 of the Sreekrishnapuram Police Station on 07-11-2013 at 10 a.m for interrogation. b) If interrogation of the petitioners is not completed that day, they shall appear before the officer investigating the case on the day/days and time as directed by him which the petitioners shall comply. c) If after interrogation, the petitioners or any of them are arrested, they shall be produced before the jurisdictional magistrate the same day. d) It is open to the petitioners thus produced before the learned magistrate to request for bail. e) They shall, before moving the application for bail give intimation to the Assistant Public Prosecutor concerned at least three working days in advance so that he will be B.A.No.7166 of 2013 3 equipped with the facts. f) In case custody of the petitioners is required, the investigating officer also can move application before learned magistrate. g) Learned magistrate shall dispose of the application (s) as above as early as possible having regard to the facts of the case. THOMAS P. JOSEPH, JUDGE AS

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