

Saritha Vs. State of Kerala

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Court : Kerala

Decided On : Jun-26-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Saritha

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN THURSDAY, THE 26^H DAY OF JUNE 2014 5TH ASHADHA, 1936 Bail Appl..No. 4564 of 2014 ----- CRIME NO. 443/2014 OF CHIRAYINKEEZHU POLICE STATION , THIRUVANANTHAPURAM PETITIONERS/1ST AND 3^D ACCUSED: ----- 1. SARITHA, AGED 35 YEARS, D/O.SAVITHRI, INDEEVARAM VEEDU, INDIRA GARDEN, VEDIVACHANKOVIL, AYANIMOODU, PALLICHAL VILLAGE, THIRUVANANTHAPURAM.

2. MAHESH KUMAR, AGED 38 YEARS, S/O.MANIKYAM PILLAI, INDEEVARAM VEEDU, INDIRA GARDEN, VEDIVACHANKOVIL, AYANIMOODU, PALLICHAL VILLAGE, THIRUVANANTHAPURAM. BY ADVS.SRI.S.RAJEEV SRI.R.GOPAN RESPONDENT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION

HAVING COME UP FOR ADMISSION ON2606-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss K. RAMAKRISHNAN, J.

----- Bail Application No.4564 of
2014 ----- Dated this the 26th day
of June, 2014

ORDER

This is an application filed by accused Nos. 1 and 3 in Crime No.443/2014 of Chirayinkeezhu Police Station, Thiruvananthapuram District, for regular bail under Section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in a nut shell was that, the petitioners were conducting an agency by name Mithram Rural Information and Development Centre (MRIDC), a nodal agency for life insurance corporation and they have collected several amounts from the policy holders to the tune of 30,00,000/- but they have not deposited the amount with the life insurance corporation and appropriated the same for their purpose. As regards the defacto-complainant in this case, on enquiry it was revealed that out of 1,65,570/- collected from her only 50,000/- was deposited and thereby the accused have committed the B.A.No. 4564 / 2014 2 offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

3. The counsel for the petitioner submitted that, in view of the complaint filed by several persons, several crimes have been registered against the petitioners and in fact for the purpose of getting the agency, they have deposited 30,00,000/- with the life insurance corporation of India and 29,00,000/- was appropriated by them towards the premium amount collected from the policy holder, but not paid to the corporation. So in fact, there is no offence committed by the petitioners and no substantial loss has been caused to the customers, namely the policy holders including the defacto-complainant. Further in some other crimes of similar nature, this court has granted bail to them with some conditions and on the basis of that conditions, the interest of all the victims have been protected. They were arrested in connection with Crime No.681/2014 of Venjaramoodu police station on

17.05.2014 and formal arrest was recorded in this case on 23.05.2014 B.A.No. 4564 / 2014 3 and they are in jail from that day onwards.

4. The application was opposed by the learned Public Prosecutor on the ground that, investigation is not over and other persons from whom the petitioners have collected the amount and not remitted to the life insurance corporation of India have to be traced out.

5. Heard both sides and perused the records.

6. It is an admitted fact that, on the basis of the statement given by the defacto-complainant in this case, Crime No.443/2014 of Chirayinkeezhu police station was registered against the petitioners and other accused persons, alleging offence under Section 420 read with Section 34 of the Indian Penal Code. It is also an admitted fact that the petitioners are the persons conducting the nodal agency by name, Mithram Rural Information and Development Centre (MRIDC) for life insurance corporation, enabling them to canvas for business for the life insurance corporation and collect premium from the customers and deposit the same with the corporation. But B.A.No. 4564 / 2014 4 it is seen from the records that, though they have collected the amounts, they have not remitted the amount to the life insurance corporation and it was revealed on verification that large such amounts were not deposited. So several complaints were filed by the policy holders and on that basis, several crimes have been registered as well and this is one such crime registered against the petitioners. It is also an admitted fact that, in one of the crimes namely, Crime No.681/2014 of Venjaramoodu police station, the petitioners were arrested on 17.05.2014 and formal arrest in this case was recorded on 23.05.2014. It is seen from Annexure-B order that, this court has granted bail to the petitioners in Crime No.681/2014 of Venjaramoodu police station as Bail Application No.3781/2014 dated 30.05.2014 with conditions inter-alia directed them to deposit 50,00,000/- in a nationalised bank for a period of two years and later this condition was relaxed as per Annexure-E order in CrI.M.A.No.5377/2014 dated 09.06.2014 restricting the amount for the amount involved B.A.No. 4564 / 2014 5 in that case alone, namely 4,00,000/-. So considering the circumstances, this court feels that, same yardstick can be applied for this case also and bail can

be granted. So the application is allowed with following conditions: i. Petitioners shall be released on bail in Crime No.443/2014 of Chirayinkeezhu police station of Thiruvananthapuram District on executing a bond for 25,000/- each (Rupees Twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the Judicial First Class Magistrate Court-I, Attingal, and one of the surety must be by a close relative of any of the petitioners. ii. Petitioners shall jointly deposit 50,000/- being the amount alleged to be not deposited by the petitioners, which was collected from the defacto-complainant for a period of two years and produce the fixed deposit receipt before the learned magistrate while executing B.A.No. 4564 / 2014 6 the bail bond. In case petitioners are made liable to pay compensation to any of the victims in the case, such compensation to the extent possible could be realised from the amount in deposit. iii. The petitioners shall report before the investigating officer for the purpose of interrogation on alternate Saturdays between 4.00 p.m and 5.00 p.m, till the final report is filed or for a period of two months, whichever is earlier. iv. The petitioners shall appear before the investigating officer as and when required for the purpose of interrogation in connection with the crimes registered against them in writing to do so, till the final report is filed. v. The petitioner shall not get involved in any crime as of similar nature during the bail period. vi. petitioners shall not intimidate or B.A.No. 4564 / 2014 7 influence the witnesses. vii. The petitioners shall not leave State of Kerala without getting prior permission from the Judicial First Class Magistrate-I, Attingal, till the disposal of the case. viii. If the case is not disposed of within two years, then the deposit is directed to be renewed from time to time, till the disposal of the case. With the above conditions the application is allowed. Sd/- K. Ramakrishnan, Judge // True Copy// P.A. to Judge ss

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