

**Ummer K vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1324197](https://sooperkanoon.com/1324197)

**Court :** Kerala

**Decided On :** Apr-30-2024

**Judge :** Honourable Mr.Justice P.G. Ajithkumar

**Appeal No. :** Bail Appl./3485/2024

**Appellant :** Ummer K

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR  
TUESDAY, THE 30TH DAY OF APRIL 2024 / 10TH VAISAKHA, 1946  
BAIL APPL. NO. 3485 OF 2024 CRIME NO.451/2024 OF Kodungallur  
Police Station, Thrissur PETITIONER/ACCUSED: UMMER K AGED 56  
YEARS S/O. K MUHAMMED KUNJU, KOOLIRIKKAL HOUSE, BTS  
MAMANGALAM CROSS ROAD, EDAPPALLY, ERNAKULAM  
DISTRICT, PIN - 682024 BY ADVS. M.G.SREEJITH P.G.MANU  
(MAMMALASSERY) VIDYAJITH M. ROJIN DEVASSY BINCY JOSE  
RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF  
KERALA, PIN - 682031 2 THE STATION HOUSE OFFICER

KODUNGALLOOR POLICE STATION, KODUNGALLOOR P.O,  
THRISSUR DISTRICT, PIN - 680664 3 MANOJ S/O. KRISHNAPILLAI,  
THUMMARKUDY HOUSE, ALLAPRA DESOM, VENGOLA VILLAGE,  
KODUNGALLOOR P.O, THRISSUR DISTRICT, PIN - 680664 ADV  
PUSHPALATHA M K -SR PP THIS BAIL APPLICATION HAVING COME  
UP FOR ADMISSION ON 30.04.2024, THE COURT ON THE SAME  
DAY DELIVERED THE FOLLOWING:

**P.G. AJITHKUMAR, J.**

----- Dated  
this the 30th day of April, 2024

## **ORDER**

This is an application for anticipatory bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. The petitioner is the accused in Crime No.451 of 2024 of Kodungallur Police Station, Thrissur for having allegedly committed the offences punishable under Sections 420 and 406 of the IPC.

3. The prosecution allegation is that the petitioner

misused the surety bond executed by the defacto complainant for availing a different loan and thereby created a liability of Rs.6,14,800/- to the defacto complainant.

4. The petitioner would contend that he did not involve in the alleged crime and without any material or evidence, he was implicated in the crime.

5. The learned Public Prosecutor objects the grant of bail to the petitioner on the ground that custodial interrogation is necessary for the furtherance of the investigation.

6. Having heard the learned counsel on both sides

and considering the nature of the offence, I am of the view that the detention of the petitioner during the period of investigation is not necessary in this case. In the result, the bail application is allowed and

the applicant is directed to surrender before the investigating officer within two weeks. After interrogation and in the event of his being arrested, he shall be released on bail on the execution of a bond for Rs.50,000/- (Rupees fifty thousand only), with two solvent sureties for the like amount each, to the satisfaction of the investigating officer, and on the following conditions:

- (i) He shall not influence or intimidate witnesses or tamper with evidence;
- (ii) He shall appear before the investigating officer as and when called for; and
- (iii) During the bail period, he shall not get involved in any offence. In case of breach of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court.

Sd/- P.G. AJITHKUMAR JUDGE SSK/30/04 APPENDIX OF BAIL APPL. 3485/2024 PETITIONER ANNEXURES Annexure 1 TRUE COPY OF FIR IN CRIME NO.451/2024 OF KODUNGALLOOR POLICE STATION Annexure 2 TRUE COPY OF FIS IN CRIME NO.451/2024 OF KODUNGALLOOR POLICE STATION

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