

Ananthu Sivan , vs State of Kerala,

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SooperKanoon Citation : sooperkanoon.com/1324851

Court : Kerala

Decided On : May-30-2024

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./3781/2024

Appellant : Ananthu Sivan ,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
THURSDAY, THE 30TH DAY OF MAY 2024 / 9TH JYAISHTA, 1946
BAIL APPL. NO. 3781 OF 2024 CRIME NO.0134/2024 OF
KARUNAGAPALLY POLICE STATION, KOLLAM CRMC NO.682 OF
2024 OF ADDITIONAL SESSIONS COURT (ADHOC)-II, KOLLAM
PETITIONER/14TH ACCUSED: ANANTHU SIVAN, AGED 24 YEARS,
S/O SIVAN, VATTAMOLAPPURAM HOUSE, IRAPURAM,
KUNNATHUNADU VILLAGE, MAZHAVANOOR TALUK, ERNAKULAM,
PIN-683 565. BY ADV. RISHAB S. RESPONDENT/RESPONDENT:
STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN-682 031. SRI.M.P.PRASANTH,

PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

ORDER

Dated this the 30th day of May, 2024 This is an application for regular bail, filed by the petitioner, who is the 14th accused in Crime No.134/2024 of Karunagapilly Police Station, where the prosecution alleges commission of offences punishable under Sections 420, 34 of the Indian Penal Code and Section 66D of Information Technology Act 2000.

2. Heard the learned counsel for the petitioner, the learned Public Prosecutor and the learned counsel appearing for the defacto complainant. Perused the case records in detail.

3. The prosecution allegation is that accused Nos. 1 to 14

misappropriated Rs.8,72,700/- from the defacto complainants (95 in number) with offer to conduct beneficiary task trading business and to give profit therefrom after publishing the said business through Google platform. Then the amount was misappropriated without giving the principal sum or the interest.

4. The learned counsel for the petitioner would submit

that the petitioner is innocent and he has been in custody since 21.03.2024 and is liable to be released on bail taking note of his -3- custody and the progress of investigation. Further the petitioner is a first time offender.

5. Since the petitioner has been in custody since

21.03.2024, the learned Public Prosecutor submitted that the investigation has achieved much progress. In such view of the matter, the petitioner, who has no criminal antecedents is liable to be released on bail. Accordingly, the bail application is allowed and the petitioner is released on bail, by imposing the following conditions:

i) The petitioner shall be released on bail on his executing bond for Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties, each for the like amount to the satisfaction of the Special Court concerned. ii) The petitioner shall not intimidate the witnesses or tamper with evidence. He shall co-operate with the investigation and shall be available for trial.

iii) The petitioner shall appear before the Investigating Officer as and when directed. iv) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any -4- person acquainted with the facts of this case, so as to dissuade him from disclosing such facts to the court or to any police officer.

v) The petitioner shall not involve in any other offence during the currency of bail and any such event, if reported or came to the notice of this Court, the same shall be a reason to cancel the bail hereby granted. vi) The petitioner shall not meet, disturb or to deal with defacto complainant, in any manner, during the currency of bail, and any such event, if reported or came to the notice of this Court, the same alone shall be a reason to cancel the bail hereby granted.

vii) The petitioner shall not leave India without permission of the jurisdictional court. Sd/- A. BADHARUDEEN JUDGE bpr -5- APPENDIX OF BAIL APPL. 3781/2024 PETITIONER ANNEXURES Annexure A1 THE TRUE COPY OF THE FIR IN CRIME NO. KARUNAGAPILLY POLICE STATION OF KOLLAM DISTRICT Annexure A2 THE TRUE COPY OF REMAND REPORT DATED 22.03.2024 IN CRIME NO. 134 OF 2024 FILED BY THE RESPONDENT Annexure A3 THE CERTIFIED COPY OF JUDGMENT DATED 20.04.2024 PASSED BY THE HON'BLE 1ST ADDITIONAL SESSION COURT, KOLLAM IN CRL MC NO. 682/2024