

Jeevan Kumar vs State of Kerala

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Court : Kerala Orders

Decided On : Feb-21-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./1068/2023

Appellant : Jeevan Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
TUESDAY, THE 21ST DAY OF FEBRUARY 2023 / 2ND PHALGUNA,
1944 CRIME NO.847/2022 OF PALAKKAD TOWN SOUTH POLICE
STATION, PALAKKAD DISTRICT PETITIONER/ACCUSED NO.2:
JEEVAN KUMAR AGED 32 YEARS S/O. MAHENDRA PRASAD
MANDAL, DUMRIYA WARD, LINE 2, NO.3 ARARIA DISTRICT, BIHAR -
845318 BY ADVS. SAM ISAAC POTHYIL S.SURAJA MUHAMMED
SUHAIR C.A VIPIN M.V. HARISH V.S. ABEY GEORGE RAMU
SUBHASH RESPONDENTS/COMPLAINANTS: 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER

PALAKKAD TOWN SOUTH POLICE STATION, PALAKKAD, BY ADV P
G MANU - SENIOR PUBLIC PROSECUTOR THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 21.02.2023, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 21st day of February, 2023 This is an application for regular bail filed by accused No.2 in Crime No.847/2022 of Palakkad Town South Police Station.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.
3. I have perused the case dairy as such placed by the learned Public Prosecutor.
4. Prosecution case to be discernible from case dairy materials

produced by the learned Public Prosecutor is that, accused Nos.1 to 5 in furtherance of their common intention to defraud State Bank of India, Mercy College Branch, Palakkad, committed this crime. The specific allegation is that the first accused at 4.58 p.m. on 02.09.2022 made a whatsapp call from his mobile No.8505939112 to the Branch Manager styling himself as the owner of the Grand Hyundai, a business concern enjoying cash credit facility with the bank and thereby demanded Rs.2 crores as cash credit facility. Thereafter, he got transfer of Rs.9,72,828/- in the name of one Jeevan Kumar, who is the petitioner herein, Rs.7,98,255/- in the name of one Pradeep Kumar and Rs.8,92,929/- in the name of one Vinod Kumar, maintained by them with Axis Bank and ICICI Bank respectively, and accordingly a total sum of Rs.26,64,012/- was misappropriated. On this premise, the prosecution alleges the commission of offences punishable under Sections 406, 416, 417, 419, 420 r/w Section 34 of the Indian Penal Code as well as the Section 66(D) of the Information Technology Act.

5. While pressing for regular bail to the petitioner, who is a native of Bihar, the learned counsel for the petitioner highlighted the custody of the petitioner from 16.12.2022.

6. Whereas, the learned Public Prosecutor seriously opposed the bail and produced relevant records forming part of the case dairy.

7. It is discernible from the prosecution records that the deposit

of Rs.9,72,828/- in the name of petitioner/ 2 nd accused establishing his complicity in this crime, prima facie. As per the prosecution case, so far no amount recovered and investigation in this regard is in progress. Since the allegations are serious, if the petitioner will be released on bail, he will flee from investigation and trial. Therefore, he cannot be released at this stage. Accordingly, this bail application stands dismissed. SD/- A. BADHARUDEEN JUDGE BR APPENDIX OF BAIL APPL. 1068/2023 PETITIONERS ANNEXURES Annexure A1 THE TRUE COPY OF THE ARREST MEMO DATED

10.12.2022 IN CRIME NO.847/2022 OF PALAKKAD TOWN SOUTH POLICE STATION, PALAKKAD DISTRICT IS PRODUCED Annexure A2 TRUE COPY OF THE FIR IN CRIME NO.847/2022 OF PALAKKAD TOWN SOUTH POLICE STATION, PALAKKAD DISTRICT IS PRODUCED Annexure A3 THE CERTIFIED COPY OF ORDER DATED 25.01.2023 PASSED BY THE DISTRICT AND SESSIONS COURT, PALAKKAD IN CRL, M.C. NO.82/2023 IS PRODUCED RESPONDENTS ANNEXURES: NIL

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