

Pramod vs State of Kerala

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Court : Kerala Orders

Decided On : Jun-30-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./2027/2023

Appellant : Pramod

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 30TH DAY OF JUNE 2023 / 9TH ASHADHA, 1945 CRIME NO.232 OF 2023 OF PARAVOOR POLICE STATION, KOLLAM PETITIONER/ ACCUSED : PRAMOD, AGED 39 YEARS, MARUTHUVILA VEEDU, KURUMANDAL P.O., PARAVOOR, KOLLAM DISTRICT, KERALA, PIN - 691 301 BY ADVS. P.RAHUL ROOPKUMAR G. RESPONDENT/ COMPLAINANT : STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031 BY SMT.T.V.NEEMA, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.06.2023, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING :

BECHU KURIAN THOMAS, J.

B.A.No.2027 of 2023 Dated this the 30th day of June, 2023

ORDER

This is an application for pre-arrest bail filed under section 438 of the Code of Criminal Procedure 1973.

2. Petitioner is the accused in Crime No.232 of 2023 of Paravoor Police Station, Kollam, alleging offences under Sections 403, 406, 408, 409, 465, 471 and 420 of the Indian Penal Code, 1860.

3. According to the prosecution, the accused who was the Accountant

of Nedungolam Service Co-operative Bank Ltd. had, with an intention to cheat the bank and after misleading the committee members and the Secretary, without sufficient security transferred an amount of Rs.15,00,000/- and withdrew the said amount without her permission and without even obtaining signature from the loanee and caused huge loss to the bank and misappropriated the amount and thereby committed the offences alleged.

4. Sri.P.Rahul, the learned counsel for the petitioner vehemently

contended that as an officer of the bank, either as an Accountant or as Secretary in charge, petitioner's role was limited and once, as evident from Annexure A2, the committee had sanctioned the loan in favour of the alleged

loanee, petitioner could not have refused to transfer the amount. It was further submitted that petitioner is being made a scapegoat for the illegal acts of other persons, including the committee members and therefore he ought to be protected with an order of pre-arrest bail especially since he is willing to abide by any condition.

5. Smt.T.V.Neema, the learned Public Prosecutor opposed the

application and submitted that the nature of allegations against the petitioner are serious. He is alleged to have misled the committee members and disbursed loan to a person who had not even applied for the loan and withdrew that amount without obtaining sufficient security and without obtaining signed cheques or other papers. It was also submitted that investigation conducted so far revealed that the alleged loanee was not even aware about the disbursement of the loan or its withdrawal and therefore custodial interrogation is essential.

6. I have considered the rival contentions and have also perused the records produced.

7. Annexure A3 reveals that a loan was sanctioned in favour of one

Geethakumari G., by the Committee Members of the Bank. Obviously the Committee should have also verified the existence of sufficient security before sanctioning the loan. Whether the sanction was on the basis of the report of the Secretary or after obtaining sufficient security are all matters which will have to be probed into. Even the involvement of other persons, other than the petitioner is also a matter which will have to be brought out during investigation. Considering the nature of the allegations and also the alleged loss caused to the bank, I am of the view that this is not a fit case where petitioner could be protected with an order of anticipatory bail.

Accordingly, I dismiss this bail application. BECHU KURIAN THOMAS, JUDGE
RKM

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