

Manu Prasad, vs State of Kerala,

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Court : Kerala

Decided On : Oct-25-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./5832/2023

Appellant : Manu Prasad,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
WEDNESDAY, THE 25TH DAY OF OCTOBER 2023 / 3RD KARTHIKA,
1945 BAIL APPL. NO. 5300 OF 2023 IN CRMC 400/2023 OF DISTRICT
COURT & SESSIONS & MOTOR ACCIDENT CLAIMS TRIBUNAL
,KALPETTA

CRIME NO.272/2023 OF THONDERNADU POLICE STATION,
WAYANAD DISTRICT PETITIONER/1ST ACCUSED: REJINA, AGED 31
YEARS, W/O.NAUSHAD, SEETHANAPURAM HOUSE,
NAMBYARKUNNU.P.O., NENMENI PANCHAYAT, CHEERAL VILLAGE,
SULTHAN BATHER, WAYANAD, PIN - 673 595. BY ADVS. RAJESH

VIJAYAN SIKHA S.NAIR RESPONDENT/STATE: STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031. BY ADV. SRI NOUSHAD K.A. (SR PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25.10.2023, ALONG WITH Bail Appl..5832/2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.Nos.5300 & 5832 of 2023 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
WEDNESDAY, THE 25TH DAY OF OCTOBER 2023 / 3RD KARTHIKA,
1945 BAIL APPL. NO. 5832 OF 2023

ORDER DATED 27-06-2023 IN CRMC 399/2023 OF DISTRICT COURT &

SESSIONS & MOTOR ACCIDENT CLAIMS TRIBUNAL ,KALPETTA CRIME NO.272/2023 OF THONDERNADU POLICE STATION, WAYANAD PETITIONER/ACCUSED NOS.2 AND 3:

1 MANU PRASAD, AGED 34 YEARS, S/O.SIVA PRASAD, KURIYILETHU HOUSE, KOZHENCHERRY.P.O., KOZHENCHERY TALUK, PATHANAMTHITTA, PIN - 679 641. 2 BINDHU, AGED 38 YEARS, W/O.MANU PRASAD, PUTHAN VEEDU HOUSE, VARADOOR.P.O., KANIYAMBETTA PANCHAYAT, VYTHIRI TALUK, WAYANAD DISTRICT, PIN - 673 121. BY ADVS. RAJESH VIJAYAN SIKHA S.NAIR

RESPONDENT/STATE: STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682 031. BY ADV. SRI. VIPIN NARAYAN (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON

25.10.2023, ALONG WITH Bail Appl..5300/2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.Nos.5300 & 5832 of 2023 3

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Nos.	5300	and	5832	of	2023

ORDER

These are applications for anticipatory bail.

2. Petitioners in these cases are accused in Crime No.272/2023 of Thondernadu Police Station, Wayanad district alleging commission of offences under Sections 406 and 420 r/w Section 34 of the Indian Penal Code.

3. The prosecution case is that, the petitioner in

B.A.No.5300/2023 along with accused Nos.2 and 3, who are the petitioners in B.A.No.5832/2023, had collected Rs.32,000/- each from 230 persons, stating that each of them will be got a loan of Rs.3,00,000/- within a short period and thereby the petitioners committed the offences alleged against them.

4. Learned counsel for the petitioners in these cases would submit that the petitioners are absolutely innocent in the

matter. It is submitted that, notwithstanding the above, since the allegation is that they had collected Rs.32,000/- from the defacto complainant, the petitioners had deposited a sum of Rs.32,000/- before the Judicial First Class Magistrate Court-I, B.A.Nos.5300 & 5832 of 2023 4 Mananthavadi. It is submitted that, the allegation that they had collected similar amounts from nearly 230 persons is absolutely incorrect and false. It is submitted that there is no allegation that the petitioners had collected any amount from the defacto complainant. It is submitted that, the only allegation is that the petitioners had promoted a scheme run by a company and no amount of money has been collected personally by the petitioners. It is submitted that the petitioners are also victims and they had also paid Rs.32,000/- each to the company in question for obtaining loan as promised.

5. Learned Senior Public Prosecutor opposes the grant of bail. It is submitted that if the allegation that the petitioners have collected Rs.32,000/- each from 230 persons is correct, the

allegation against the petitioners is extremely serious. It is submitted that some other crimes have also been registered against the petitioners, where the allegations against the petitioners are similar. It is submitted that in such circumstances, the petitioners may not be granted anticipatory bail.

6. Having heard the learned counsel for the petitioners in these cases and the learned Senior Public Prosecutor, I am of the opinion that the petitioners can be granted anticipatory bail B.A.Nos.5300 & 5832 of 2023 5

subject to conditions. The submission of the learned Senior Public Prosecutor that the allegation against the petitioners is that they have collected Rs.32,000/- each from nearly 230 persons indicate that the allegation against the petitioners is serious. I take note of the fact that, according to the learned counsel for the petitioners, the petitioners had only promoted the scheme of a company and no amount of money had ever been collected by them personally. The investigation into the Crime No.272/2023 of Thondernadu Police Station, Wayanad district can be conducted without the custodial interrogation of the petitioners.

7. In the result, these applications are allowed. It is directed that the petitioners in these cases shall be released on bail, in the event of arrest in Crime No.272/2023 of Thondernadu Police Station, Wayanad district, subject to the following conditions:-

(i) Petitioners in these cases shall execute separate bonds for sums of Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the arresting officer;

(ii) Petitioners in these cases shall appear before the

investigating officer in Crime No.272/2023 of Thondernadu Police B.A.Nos.5300 & 5832 of 2023 6 Station, Wayanad district at 11.00 A.M on 31-10-2023 and thereafter whenever called upon to do so;

(iii) Petitioners in these cases shall not attempt to contact

the de facto complainant or interfere with the investigation or to influence or intimidate any witness in Crime No.272/2023 of Thondernadu Police Station, Wayanad district;

(iv) Petitioners in these cases shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the

Investigating officer in Crime No.272/2023 of Thondernadu Police Station, Wayanad district, may file an application before the jurisdictional Court for cancellation of bail. The fact that this Court has granted anticipatory bail to the petitioners will not be taken as a ground to grant anticipatory bail to them in any other case registered against them.

Sd/- GOPINATH P. JUDGE ats

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