

Suresh Kumar vs State of Kerala

Suresh Kumar vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1380959

Court : Kerala

Decided On : Aug-14-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Bail Appl./6549/2022

Appellant : Suresh Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945
BAIL APPL. NO. 6549 OF 2022 CRIME NO.808/2019 OF Ettumanoor
Police Station, Kottayam PETITIONER/ACCUSED: SURESH KUMAR,
AGED 55 YEARS, S/O SIVARAMA PILLAI, AGED 55 YEARS,
USHASREE HOUSE, MATTOM NORTH, THATTARAMBALAM P O,
MAVELIKKARA, ALAPPUZHA - 690103 BY ADVS. S.RAJEEV V.VINAY
M.S.ANEER SARATH K.P. PRERITH PHILIP JOSEPH ANILKUMAR
C.R. RESPONDENTS/STATE: 1 STATE OF KERALA, REP BY PUBLIC
PROSECUTOR HIGH COURT OF KERALA ERNAKULAM, PIN -
682031 2 STATION HOUSE OFFICER, ETTUMANOOR POLICE
STATION (CRIME NO 808 OF 2019 OF ETTUMANOOR POLICE

STATION, KOTTAYAM DISTRICT), PIN - 686631 BY ADV
GOVERNMENT PLEADER

OTHER PRESENT: SMT. MAYA M.N., PP THIS BAIL APPLICATION HAVING
COME UP FOR ADMISSION ON 09.08.2023, ALONG WITH Bail Appl.6555/2022,
6556/2022 AND CONNECTED CASES, THE COURT ON 14.08.2023
DELIVERED THE FOLLOWING: B.A.6549/2022 and connected cases 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN MONDAY,
THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945 BAIL APPL. NO.
6555 OF 2022 CRIME NO.817/2019 OF Erattupettah Police Station, Kottayam
PETITIONER/ACCUSED NO.1: SURESH KUMAR, AGED 55 YEARS S/O
SIVARAMA PILLAI, AGED 55 YEARS, USHASREE HOUSE, MATTOM NORTH,
THATTARAMBALAM P O, MAVELIKKARA, ALAPPUZHA - 690103 BY ADVS.
S.RAJEEV V.VINAY M.S.ANEER SARATH K.P. PRERITH PHILIP JOSEPH
ANILKUMAR C.R. RESPONDENTS/STATE: 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN -
682031 2 STATION HOUSE OFFICER, ERATTUPETTAH POLICE STATION,
KOTTAYAM DISTRICT, (CRIME NO 817/2019 OF ERATTUPETTAH POLICE
STATION, KOTTAYAM DISTRICT - 686121) ADV.MAYA M N, GP THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 09.08.2023, ALONG
WITH Bail Appl.6549/2022 AND CONNECTED CASES, THE COURT ON
14.08.2023 DELIVERED THE FOLLOWING: B.A.6549/2022 and connected cases
3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN MONDAY,
THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945 BAIL APPL. NO.
6556 OF 2022 CRIME NO.1288/2019 OF Adoor Police Station, Pathanamthitta
PETITIONER/ACCUSED NO.1: SURESH KUMAR, AGED 55 YEARS S/O
SIVARAMA PILLAI, AGED 55 YEARS, USHASREE HOUSE, MATTOM NORTH,

THATTARAMBALAM P O, MAVELIKKARA, ALAPPUZHA -, PIN - 690103 BY ADVS. S.RAJEEV V.VINAY M.S.ANEER SARATH K.P. PRERITH PHILIP JOSEPH ANILKUMAR C.R. RESPONDENTS/STATE: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 STATION HOUSE OFFICER ADOOR POLICE STATION, (CRIME NO 1288/2019 OF ADOOR POLICE STATION, PATHANAMTHITTA DISTRICT), PIN - 691523 ADV.MAYA M N, GP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.08.2023, ALONG WITH Bail Appl..6549/2022 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING: B.A.6549/2022 and connected cases 4

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945 BAIL APPL. NO. 6560 OF 2022 CRIME NO.445/2019 OF CBCID, ERNAKULAM, Ernakulam PETITIONER/ACCUSED: SURESH KUMAR, AGED 55 YEARS S/O SIVARAMA PILLAI, USHASREE HOUSE, MATTOM NORTH, THATTARAMBALAM P O, MAVELIKKARA, ALAPPUZHA, PIN - 690103 BY ADVS. S.RAJEEV V.VINAY M.S.ANEER SARATH K.P. PRERITH PHILIP JOSEPH ANILKUMAR C.R. RESPONDENTS/STATE:

1 STATE OF KERALA, REP BY PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER CRIME BRACH, ERNAKULAM (CBCD CRIME NO.445/CBCU II EKM/19 OF ERNAKULAM CRIME BRACH FORMALLY REGISTERED AS CRIME NO 184/2019 OF VYTHIRI POLICE STATION, WAYANAD DISTRICT), PIN - 682018 BY ADV GOVERNMENT PLEADER ADV. MAYA M N

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.08.2023, ALONG WITH Bail Appl..6549/2022 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING: B.A.6549/2022 and connected

cases 5

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945 BAIL APPL. NO. 6562 OF 2022 CRIME NO.2035/2020 OF Muvattupuzha Police Station, Ernakulam PETITIONER/ACCSUED: SURESH KUMAR, AGED 55 YEARS, S/O SIVARAMA PILLAI, USHASREE HOUSE, MATTOM NORTH, THATTARAMBALAM P O, MAVELIKKARA, ALAPPUZHA, PIN - 690103 BY ADVS. S.RAJEEV M.S.ANEER V.VINAY SARATH K.P. PRERITH PHILIP JOSEPH ANILKUMAR C.R. RESPONDENTS/STATE:

1 STATE OF KERALA, REP BY PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER, MOOVATTUPUZHA POLICE STATION, (CRIME NO 2035 OF 2020 OF MOOVATTUPUZHA POLICE STATION, ERNAKULAM DISTRICT), PIN - 686661 BY ADVS. JOHNSON GOMEZ S.BIJU (KIZHAKKANELA) SANJAY JOHNSON JOHN GOMEZ ARUN JOHNY PARSHATHY S.R. SANJITH JOHNSON ADV.MAYA M N, GP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.08.2023, ALONG WITH Bail Appl..6549/2022 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING: B.A.6549/2022 and connected cases 6

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945 BAIL APPL. NO. 6577 OF 2022 CRIME NO.446/2019 OF CBCID, ERNAKULAM, Ernakulam PETITIONER/ACCUSED: SURESH KUMAR, AGED 55 YEARS, S/O SIVARAMA PILLAI, USHASREE HOUSE, MATTOM NORTH, THATTARAMBALAM P O, MAVELIKKARA, ALAPPUZHA, PIN - 690103 BY ADVS. S.RAJEEV M.S.ANEER

V.VINAY PRERITH PHILIP JOSEPH SARATH K.P. ANILKUMAR C.R. RESPONDENTS/STATE: 1 STATE OF KERALA, REP BY PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER, CRIME BRANCH, ERNAKULAM (CRIME NO.446/CBCUII/EKM OF 2019 OF CRIME BRANCH, ERNAKULAM FORMERLY REGISTERED AS CRIME NO. 1672/2019 OF MUSEUM POLICE STATION, THIRUVANANTHAPURAM), PIN - 682018 A BY ADV GOVERNMENT PLEADER ADV. MAYA M N, THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.08.2023, ALONG WITH Bail Appl..6549/2022 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING: B.A.6549/2022 and connected cases 7

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945 BAIL APPL. NO. 6600 OF 2022 CRIME NO.1564/2019 OF Pala Police Station, Kottayam PETITIONER/ACCUSED NO.1: SURESH KUMAR, AGED 55 YEARS, S/O SIVARAMA PILLAI, USHASREE HOUSE, MATTOM NORTH, THATTARAMBALAM P O, MAVELIKKARA, ALAPPUZHA, PIN - 690103 BY ADVS. S.RAJEEV V.VINAY M.S.ANEER PRERITH PHILIP JOSEPH SARATH K.P. ANILKUMAR C.R. RESPONDENTS/STATE: 1 STATE OF KERALA, REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER CRIME BRACH, ERNAKULAM (CRIME NO. 1564/2019 OF PALA POLICE STATION, KOTTAYAM DISTRICT), PIN - ADV.MAYA M N, GP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.08.2023, ALONG WITH Bail Appl..6549/2022 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING: B.A.6549/2022 and connected cases 8

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945 BAIL APPL. NO. 6603 OF 2022 CRIME NO.444/2019 OF CBCID, ERNAKULAM, Ernakulam PETITIONER/ACCUSED NO.1: SURESH KUMAR, AGED 55 YEARS S/O SIVARAMA PILLAI, AGED 55 YEARS, USHASREE HOUSE, MATTOM NORTH, THATTARAMBALAM P O, MAVELIKKARA, ALAPPUZHA -, PIN - 690103 BY ADVS. S.RAJEEV V.VINAY M.S.ANEER SARATH K.P. PRERITH PHILIP JOSEPH ANILKUMAR C.R. RESPONDENTS/STATE:

1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 STATION HOUSE OFFICER, CRIME BRANCH ERNAKULAM ERNAKULAM DISTRICT, (CBCID CRIME NO 444/CBCU II EKM/2019 OF ERNAKULAM CRIME BRANCH FORMERLY REGISTERED AS CRIME NO 767/2019 OF KURIVALANGADU POLICE STATION, KOTTAYAM), PIN - 682018 BY ADV GOVERNMENT PLEADER ADV.MAYA M N,

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.08.2023, ALONG WITH Bail Appl..6549/2022 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING: B.A.6549/2022 and connected cases 9

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945 BAIL APPL. NO. 6608 OF 2022 CRIME NO.447/2019 OF CBCID, ERNAKULAM, Ernakulam AGAINST THE ORDER IN B A. 3184/2019 OF HIGH COURT OF KERALA PETITIONER/ACCUSED: SURESH KUMAR, AGED 55 YEARS, S/O SIVARAMA PILLAI, USHASREE HOUSE, MATTOM NORTH, THATTARAMBALAM P O, MAVELIKKARA, ALAPPUZHA, PIN - 690103 BY ADVS. S.RAJEEV V.VINAY M.S.ANEER PRERITH PHILIP JOSEPH SARATH K.P. ANILKUMAR C.R. RESPONDENT/STATE:

1 STATE OF KERALA, REP BY PUBLIC PROSECUTOR HIGH COURT
OF KERALA ERNAKULAM, PIN - 682031 2 STATION HOUSE
OFFICER CRIME BRACH, ERNAKULAM (CBCD CRIME
NO.447/CB/KUII/EKM/R/19 OF ERNAKULAM CRIME BRACH
FORMALLY REGISTERED AS CRIME NO 1192/2019 OF
MOOVATTUPUZHA POLICE STATION), PIN - 682018 BY ADVS.
GOVERNMENT PLEADER, ADV.MAYA M N JOHNSON GOMEZ
S.BIJU (KIZHAKKANELA) SANJAY JOHNSON JOHN GOMEZ ARUN
JOHNY ABIN JACOB MATHEW DEEBU R. REVATHI.B

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.08.2023,
ALONG WITH Bail Appl..6549/2022 AND CONNECTED CASES, THE COURT
ON 14.08.2023 DELIVERED THE FOLLOWING: B.A.6549/2022 and connected
cases 10

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN MONDAY,
THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945 BAIL APPL. NO.
6610 OF 2022 CRIME NO.454/2019 OF CBCID, ERNAKULAM, Ernakulam
PETITIONER/ACCSUED NO.1: SURESH KUMAR, AGED 55 YEARS, S/O
SIVARAMA PILLAI, AGED 55 YEARS, USHASREE HOUSE, MATTOM NORTH,
THATTARAMBALAM P O, MAVELIKKARA, ALAPPUZHA 690103 BY ADVS.
S.RAJEEV V.VINAY M.S.ANEER SARATH K.P. PRERITH PHILIP JOSEPH
ANILKUMAR C.R. RESPONDENTS/STATE: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN -
682031 2 STATION HOUSE OFFICER CRIME BRANCH ERNAKULAM
ERNAKULAM DISTRICT, 682018 (CBCID CRIME NO 454/CBCU II EKM/2019 OF
ERNAKULAM CRIME BRANCH FORMERLY REGISTERED AS CRIME NO
ERNAKULAM), PIN - 682018 ADV.MAYA M N, GP THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 09.08.2023, ALONG WITH Bail
Appl..6549/2022 AND CONNECTED CASES, THE COURT ON 14.08.2023
DELIVERED THE FOLLOWING: B.A.6549/2022 and connected cases 11

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945 BAIL APPL. NO. 6617 OF 2022 CRIME NO.451/2019 OF CBCID, ERNAKULAM, Ernakulam PETITIONER/ACCUSED NO.1: SURESH KUMAR, AGED 55 YEARS S/O SIVARAMA PILLAI, AGED 55 YEARS, USHASREE HOUSE, MATTOM NORTH, THATTARAMBALAM P O, MAVELIKKARA, ALAPPUZHA, PIN - 690103 BY ADVS. S.RAJEEV V.VINAY SARATH K.P. PRERITH PHILIP JOSEPH ANILKUMAR C.R. M.S.ANEER RESPONDENTS/STATE:

1 STATE OF KERALA REP BY PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER CRIME BRACH, ERNAKULAM (CRIME NO.451/CBCU II EKM OF 2019 OF CBCID, ERNAKULAM CRIME BRACH FORMERLY REGISTERED AS CRIME NO 1231 OF 2019 OF POOJAPURA POLICE STATION), PIN - 682018 BY ADV GOVERNMENT PLEADER ADV.MAYA M N

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.08.2023, ALONG WITH Bail Appl..6549/2022 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING: B.A.6549/2022 and connected cases 12

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945 BAIL APPL. NO. 6618 OF 2022 CRIME NO.37/CBCU II EKM OF 2020 OF CBCID, ERNAKULAM FORMERLY REGISTERED AS CRIME NO.290/2019 OF PERINTHALMANNA POLICE STATION, MALAPPURAM PETITIONER/ACCUSED NO.1: SURESH KUMAR, AGED 55 YEARS S/O SIVARAMA PILLAI, USHASREE HOUSE, MATTOM NORTH, THATTARAMBALAM P O, MAVELIKKARA, ALAPPUZHA, PIN

- 690103 BY ADVS. S.RAJEEV V.VINAY M.S.ANEER PRERITH PHILIP JOSEPH SARATH K.P. ANILKUMAR C.R. RESPONDENTS/STATE: 1 STATE OF KERALA REP BY PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER CRIME BRACH, ERNAKULAM (CRIME NO.37/CBCU II EKM OF YEAR 2020 OF CBCID, ERNAKULAM FORMERLY REGISTERED AS CRIME NO. 290/2019 OF PERINTHALMANNA POLICE STATION, MALAPPURAM) PIN - 679322 ADV.MAYA M N, GP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.08.2023, ALONG WITH Bail Appl..6549/2022 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING: B.A.6549/2022 and connected cases
13

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945 BAIL APPL. NO. 6639 OF 2022 CRIME NO.442/2019 OF CBCID, ERNAKULAM, Ernakulam PETITIONER/ACCUSED: SURESH KUMAR, AGED 55 YEARS S/O SIVARAMA PILLAI, USHASREE HOUSE, MATTOM NORTH, THATTARAMBALAM P O, MAVELIKKARA, ALAPPUZHA, PIN - 690103 BY ADVS. S.RAJEEV V.VINAY M.S.ANEER SARATH K.P. PRERITH PHILIP JOSEPH ANILKUMAR C.R. RESPONDENTS/STATE:

1 STATE OF KERALA REP BY PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER CRIME BRACH, ERNAKULAM (CRIME NO.442/CBCU II EKM OF YEAR 2019 OF CBCID, ERNAKULAM FORMERLY REGISTERED AS CRIME NO. 1334/2019 OF MEDICAL COLLEGE POLICE STATION, THIRUVANANTHAPURAM), PIN - 682018 BY ADV GOVERNMENT PLEADER ADV.MAYA M N, GP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.08.2023, ALONG WITH Bail Appl..6549/2022 AND CONNECTED CASES, THE COURT

ON 14.08.2023 DELIVERED THE FOLLOWING: B.A.6549/2022 and connected cases 14

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945 BAIL APPL. NO. 6640 OF 2022 CRIME NO.1989/2019 OF Muvattupuzha Police Station, Ernakulam PETITIONER/ACCUSED: SURESH KUMAR, AGED 55 YEARS, S/O SIVARAMA PILLAI, USHASREE HOUSE, MATTOM NORTH, THATTARAMBALAM P O, MAVELIKKARA, ALAPPUZHA, PIN - 690103 BY ADVS. S.RAJEEV V.VINAY M.S.ANEER PRERITH PHILIP JOSEPH SARATH K.P. ANILKUMAR C.R. RESPONDENTS/STATE:

1 STATE OF KERALA, REP BY PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER, MOOVATTUPUZHA POLICE STATION (CRIME NO. 1989/2019 OF MOOVATTUPUZHA POLICE STATION, ERNAKULAM), PIN - 686661 BY ADVS. GOVERNMENT PLEADER, ADV.MAYA M N JOHNSON GOMEZ ARUN JOHNY SANJITH JOHNSON PARSHATHY S.R. S.BIJU (KIZHAKKANELA) SANJAY JOHNSON JOHN GOMEZ

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.08.2023, ALONG WITH Bail Appl..6549/2022 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING: B.A.6549/2022 and connected cases 15

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945 BAIL APPL. NO. 6645 OF 2022 CRIME NO.429/2019 OF Parippally Police Station, Kollam PETITIONER/ACCUSED NO.1: SURESH KUMAR, AGED 55 YEARS, S/O SIVARAMA PILLAI, USHASREE HOUSE, MATTOM NORTH,

THATTARAMBALAM P O, MAVELIKKARA, ALAPPUZHA, PIN - 690103 BY
ADVS. S.RAJEEV V.VINAY M.S.ANEER PRERITH PHILIP JOSEPH SARATH
K.P. ANILKUMAR C.R. RESPONDENTS/STATE:

1 STATE OF KERALA, REP BY PUBLIC PROSECUTOR HIGH COURT
OF KERALA ERNAKULAM, PIN - 682031 2 STATION HOUSE
OFFICER CRIME BRACH, ERNAKULAM (CRIME NO.443/CBCU II EKM
OF YEAR 2019 OF CBCID, ERNAKULAM FORMERLY REGISTERED
AS CRIME NO. 429/2019 OF PARIPALLY POLICE STATION,
KOLLAM), PIN - 691574 BY ADVS. JOHNSON GOMEZ S.BIJU
(KIZHAKKANELA) SANJAY JOHNSON JOHN GOMEZ ARUN JOHNY
SANJITH JOHNSON PARSHATHY S.R. ADV.MAYA M N, GP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.08.2023,
ALONG WITH Bail Appl..6549/2022 AND CONNECTED CASES, THE COURT
ON 14.08.2023 DELIVERED THE FOLLOWING: B.A.6549/2022 and connected
cases 16

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN MONDAY,
THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945 BAIL APPL. NO.
6649 OF 2022 CRIME NO.538/2019 OF Payyannur Police Station, Kannur
PETITIONER/ACCUSED NO.1: SURESH KUMAR, AGED 55 YEARS S/O
SIVARAMA PILLAI, USHASREE HOUSE, MATTOM NORTH,
THATTARAMBALAM P O, MAVELIKKARA, ALAPPUZHA, PIN - 690103 BY
ADVS. S.RAJEEV V.VINAY M.S.ANEER PRERITH PHILIP JOSEPH SARATH
K.P. ANILKUMAR C.R. RESPONDENTS/STATE: 1 STATE OF KERALA, REP BY
PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM, PIN - 682031
2 STATION HOUSE OFFICER, CRIME BRACH, ERNAKULAM (CRIME
NO.452/CBCU II EKM OF YEAR 2019 OF CBCID, ERNAKULAM FORMERLY
REGISTERED AS CRIME NO. DISTRICT, PIN - 670307 BY ADV GOVERNMENT
PLEADER MAYA M N THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 09.08.2023, ALONG WITH Bail Appl..6549/2022 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING: B.A.6549/2022 and connected cases 17

P. V. KUNHIKRISHNAN, J.

----- Bail Application Nos.6549, 6555, 6556, 6560, 6562, 6577, 6600, 6603, 6608, 6610, 6617, 6618, 6639, 6640, 6645 and 6649 of 2022 ----- Dated this the 14th day of August, 2023

COMMON ORDER

These bail applications are filed by the same petitioner who is involved in 16 cases. The allegation against the petitioner in all these cases are same. Therefore, I am disposing of these cases by a common order.

2. The petitioner is the accused in Crime Nos.441/19,

CBCU2, Thripunithura. The case is registered against the petitioner based on a complaint preferred by 16 investors at various police stations across the State alleging that the petitioner in these cases, his wife and one Roy V. Kuruvila had collected large sums of money (About Rs.12 Crores) from the complainants by offering shares and dividends from a textile business. But the accused have cheated the complainants by misusing and misappropriating the cash collected B.A.6549/2022 and connected cases 18 from the investors for their own use by creating forged vouchers, manipulation of accounts, and without any accounts is the prosecution case.

3. Being dissatisfied by the investigation conducted by the

local police, the defacto complainants in these cases filed writ petition before this Court and this Court as per judgment dated 06.08.2019 in W.P(C).No.13662/2019 directed to transfer the investigation of the above cases registered against the petitioner and others to the Crime Branch Central Unit 2. Accordingly, the above cases are registered by the Crime Branch.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. I also heard the counsel appearing for the victims.

5. The learned counsel for the petitioner reiterated his

contentions based on the pleadings in the bail applications. The learned counsel submitted that the custodial interrogation of the petitioner is not necessary and also submitted that, even as per the prosecution, the cases are to be proved through documentary evidence. The petitioner also submitted that he is ready to co-operate with the investigation and the other accused were already released on bail. The learned Public Prosecutor very seriously B.A.6549/2022 and connected cases 19 opposed the bail application. Learned Public Prosecutor submitted that the petitioner is absconding since the inception of the cases. For that simple reason, the learned Public Prosecutor submitted that the discretionary jurisdiction under Section 438 Cr.P.C may not be invoked in this case. The learned Public Prosecutor submitted that the petitioner committed serious offences by defrauding several investors and therefore the petitioner is not entitled for bail under Section 438 Cr.P.C. The counsel appearing for the victim also opposed the bail application. He narrated the serious fraud committed by the accused in detail.

6. This Court considered the contention of the petitioner and the learned Public Prosecutor. When these bail applications came up for consideration on 24.07.2023, this Court passed the following order:

The petitioner in these cases will appear before the Investigating Officer on 01.08.2023 and 02.08.2023 of August, 2023 for interrogation and the petitioner shall not be arrested after interrogation. The Investigating Officer shall submit a report before this Court after interrogation. Post on 07.08.2023.

7. As directed by this Court, the petitioner surrendered

B.A.6549/2022 and connected cases 20 before the Investigating Officer and he was interrogated by the Investigating Officer on 01.08.2023 and 02.08.2023. The Investigating Officer submitted a report before the Court stating that the petitioner is not co-operating with the investigation. It is also submitted by the Investigating

Officer that contradictory statements with regard to the commission of crime and evidence collected were given by the accused so as to deceive the investigating agency. A detailed report is submitted before this Court by the Investigating Officer in which it is stated that the custodial interrogation of the petitioner is necessary. The reason for the custodial interrogation is mentioned in the report in detail, which is extracted hereunder:

1. As the crimes registered are under section 420, 406, 468, 471, 380 and the accused is required in custody for effecting recovery.

2. The mobile phones used by the accused through which

he had communicated with the witnesses through a banned app by name IMO has to be recovered for the purpose of evidence and for de- cyphering the chats and messages in respect of the transactions made when the accused was under cover

3. During interrogation it has come to light that his associate and aid one Smitha, native of Muvattupuzha has committed suicide during 2018 while she was B.A.6549/2022 and connected cases 21

working the chief accountant of Davani Silks Pvt. Ltd. The evidences collected and the witnesses questioned substantiated that all payment vouchers and receipts were created in the hand writing of the deceased and she was given with rewards for her acts in the crime. Moreover though she is closely associated with A1, and A1 was present at Muvattupuzha, he has not attended her funeral functions which cast a shadow of doubt on his activities. In this regard a case in Crime 2106/18 U/s 174 Cr PC was registered at Muvattupuzha police station and later the same was finally reported. More probes is required to unearth the mystery behind the death of A1's close associates and who and what prompts her to forge false vouchers and deceptive entries in ledgers in favour of A1.

4. Sample Handwriting and signatures of the accused has to be obtained for comparison.

5. No solid assets were disclosed by the accused during

interrogation. But there exists voice message of accused that he had acquired large extent of lands at Tirunelveli and different parts of Kerala and Tamilnadu from the proceeds of crime and the same has to be unearthed.

6. There is information that he leased out large extent of agricultural lands in Guddallur and Cumbur. The source of money expended for the purpose has to be verified.

7. One Rajesh, resident of Mavelikkara who was his

driver during his early days of hide out later committed suicide. The accused has used the mobile number issued against the name of deceased Rajesh Kumar after his B.A.6549/2022 and connected cases 22 death over a period of time. There is suspicious in the death of Rajesh and same has to be investigated in detail.

8. Voice sample of the accused has to be collected.

9. A series of purchase bills were forged by A1 in order to divert funds to his account were revealed during audit and investigation. The source of such forged documents has to be found out.

10. The bank statements indicate that he had been supplemented with funds from abroad. The source of the funds has to be found out.

11. The account and ledger statements of Davani Silks

indicates that A1 has given a loan of Rs. 2,38,11,821/- to the company for its requirements. But the accused has not able to substantiate either the source or the mode and manner by which the money was given to the company. The ledger account has to be verified in the presence of accused and those who handled the documents are to be questioned in the presence of accused.

12. The share certificates and vouchers issued by A1 in

order to satisfy the investors has to be verified in the

presence of accused.

13. Even when the accused was absconding he had used

to contact those who are acquainted with the facts and circumstances of the cases and he offered them promises for giving statements in his favour. If the accused is let off without being interrogated in custody there is all possibility that he may indulge in activities to hamper evidences and cause hindrance to. the investigation.

B.A.6549/2022 and connected cases 23

14. The custodial interrogation of the accused is inevitable as various documents related with day to day affairs of the company are taken away by the accused and the same has to be recovered.

15. The source of the forged documents and its recovery

can only be traced by a custodial interrogation. From his antecedents it is clear that he used to abscond after commission of a crime. If bail is granted there is all possibility that he may abscond and evade the process of trial.

16. It is suspected that the accused had amassed large assets by fraudulent means. Details of such amassments can be collected only through custodial interrogation.

8. From the above facts, I am of the considered opinion that,

this is not a fit case in which the petitioner can be released on bail under Section 438 Cr.P.C. Very serious allegations are there against the petitioner. Custodial interrogation of the petitioner is necessary. Moreover, the allegation against the petitioner is that he defrauded several investors. The petitioner committed an economic offence. Such offences are in effect Economic Murder. The allegation is that, the accused defrauded large number of investors who paid huge amount to

them. In such cases, the jurisdiction of this Court to grant bail is very limited in the light of the Apex Court judgment in Jagan Mohan Reddy Y.S. V Central Bureau of Investigation (2013 B.A.6549/2022 and connected cases 24 KHC 4402). Therefore, I am of the considered opinion that the petitioner is not entitled to any discretionary reliefs. Therefore these bail applications are dismissed. Sd/- P. V. KUNHIKRISHNAN JUDGE Sbnal/ B.A.6549/2022 and connected cases 25 APPENDIX OF BAIL APPL. 6555/2022 PETITIONER ANNEXURES Annexure I A COPY OF THE FIR IN CRIME NO 817/2019 REGISTERED BY ERATTUPETTAH POLICE STATION, KOTTAYAM DISTRICT

Annexure II A COPY OF THE BAIL ORDER IN BA NO Annexure III

APPENDIX OF BAIL APPL. 6556/2022 PETITIONER ANNEXURES Annexure I A COPY OF THE FIR IN CRIME NO 1288/2019 REGISTERED BY ADOOR POLICE STATION PATHANAMTHITTA Annexure II A COPY OF THE BAIL ORDER IN BA NO B.A.6549/2022 and connected cases 27 APPENDIX OF BAIL APPL. 6560/2022 PETITIONER ANNEXURES Annexure-I A COPY OF THE FIR IN CRIME NO 184/2019 OF VYTHIRI POLICE STATION, WAYANAD DISTRICT Annexure-II A COPY OF THE COMMON BAIL ORDER IN BA NO Annexure-III A COPY OF THE COMMON ORDER OF BAIL APPLICATION IN BA NO 7086 OF 2020 B.A.6549/2022 and connected cases 28 APPENDIX OF BAIL APPL. 6562/2022 PETITIONER ANNEXURES Annexure-I A COPY OF THE FIR IN CRIME NO 2035 OF 2020 OF MOOVATTUPUZHA POLICE STATION, ERNAKULAM DISTRICT B.A.6549/2022 and connected cases 29 APPENDIX OF BAIL APPL. 6577/2022 PETITIONER ANNEXURES Annexure-I A COPY OF THE FIR IN CRIME NO. 1672/2019 OF MUSEUM POLICE STATION, THIRUVANANTHAPURAM Annexure-II A COPY OF THE ORDER IN BA NO 7082 OF B.A.6549/2022 and connected cases 30 APPENDIX OF BAIL APPL. 6600/2022 PETITIONER ANNEXURES Annx-I A COPY OF THE FIR IN CRIME NO. 1564/2019 REGISTERED BY PALA POLICE STATION, KOTTAYAM Annx-II A COPY OF THE BAIL ORDER IN BA NO 5372 OF 2020 Annx-III A COPY OF THE ORDER OF BAIL APPLICATION IN BA NO 7045 OF 2020 IN WHICH THIS HON'BLE COURT GRANTED ANTICIPATORY BAIL TO 3RD ACCUSED B.A.6549/2022 and connected cases 31 APPENDIX OF BAIL APPL. 6603/2022

PETITIONER ANNEXURES Annexure I A COPY OF THE FIR IN CRIME NO 767/2019 REGISTERED BY KURIVALANGADU POLICE STATION

Annexure II A COPY OF THE BAIL ORDER IN BA NO Annexure III

APPENDIX OF BAIL APPL. 6608/2022 PETITIONER ANNEXURES Annexure-I A COPY OF THE FIR IN CRIME NO 1192/2019 OF MOOVATTUPUZHA POLICE STATION, ERNAKULAM DISTRICT

Annexure-II A COPY OF THE ORDER IN BA NO 3184 OF Annexure-I

APPENDIX OF BAIL APPL. 6610/2022 PETITIONER ANNEXURES Annexure1 A COPY OF THE FIR IN CRIME NO 691/2019 REGISTERED BY NEDUMBASSERY AIRPORT POLICE STATION, ERNAKULAM

Annexure II A COPY OF THE BAIL ORDER IN BA NO Annexure III

APPENDIX OF BAIL APPL. 6617/2022 PETITIONER ANNEXURES Annexure-I A COPY OF THE FIR IN CRIME NO 1231 OF 2019 OF POOJAPURA POLICE STATION, THIRUVANANTHAPURAM DISTRICT Annexure-II A COPY OF THE ORDER IN BA NO 7126 OF B.A.6549/2022 and connected cases 35 APPENDIX OF BAIL APPL. 6618/2022 PETITIONER ANNEXURES Annx-I A COPY OF THE FIR IN CRIME NO. 290/2019 OF PERINTHALMANNA POLICE STATION, MALAPPURAM Annx-II A COPY OF THE BAIL ORDER IN BA NO 5438 OF 2020 IN WHICH THE COURT GRANTED ANTICIPATORY BAIL TO THE 2ND ACCUSED Annx-III A COPY OF THE ORDER OF BAIL APPLICATION IN BA NO 7084 OF 2020 IN WHICH THIS HON'BLE COURT GRANTED ANTICIPATORY BAIL TO 3RD ACCUSED B.A.6549/2022 and connected cases 36 APPENDIX OF BAIL APPL. 6639/2022 PETITIONER ANNEXURES Annexure-I A COPY OF THE FIR IN CRIME NO 1334/2019 OF MEDICAL COLLEGE POLICE STATION, THIRUVANANTHAPURAM Annexure-II A COPY OF THE BAIL ORDER IN BA NO 5409 OF 2020 Annexure-III A COPY OF THE ORDER OF BAIL APPLICATION IN BA NO 7124 OF 2020 B.A.6549/2022 and connected cases 37 APPENDIX OF BAIL APPL. 6640/2022 PETITIONER ANNEXURES Annexure-I A COPY OF THE FIR IN CRIME NO. 1989/2019 OF MOOVATTUPUZHA POLICE STATION, ERNAKULAM Annexure-II A COPY OF THE BAIL ORDER IN BA NO 5723 OF

2020 B.A.6549/2022 and connected cases 38 APPENDIX OF BAIL APPL. 6645/2022 PETITIONER ANNEXURES Annexure-I . A COPY OF THE FIR IN CRIME NO. KOLLAM Annexure-II A COPY OF THE BAIL ORDER IN BA NO 5406 OF 2020 Annexure-III A COPY OF THE ORDER OF BAIL APPLICATION IN BA NO 7085 OF 2020 B.A.6549/2022 and connected cases 39 APPENDIX OF BAIL APPL. 6649/2022 PETITIONER ANNEXURES Annx-I A COPY OF THE FIR IN CRIME NO. 538/2019 OF PAYANNUR POLICE STATION, KANNUR RURAL DISTRICT Annx-II A COPY OF THE ORDER OF BAIL APPLICATION IN BA NO 7125 OF 2020 IN WHICH THIS HON'BLE COURT GRANTED ANTICIPATORY BAIL TO 3RD ACCUSED B.A.6549/2022 and connected cases 40 APPENDIX OF BAIL APPL. 6549/2022 PETITIONER ANNEXURES Annexure-I A COPY OF THE FIR IN CRIME NO 808 OF 2019 OF ETTUMANOOR POLICE STATION, KOTTAYAM DISTRICT Annexure-II A COPY OF THE BAIL ORDER IN BA NO 5439 OF 2020 Annexure-III A COPY OF THE ORDER OF BAIL APPLICATION IN BA NO 7046 OF 2020

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com