

Ushadevi P T, vs State of Kerala Represented by Public Prosecutor,

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Court : Kerala

Decided On : Mar-17-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./17/2022

Appellant : Ushadevi P T,

Respondent : State of Kerala Represented by Public Prosecutor,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 17TH DAY OF MARCH 2022 / 26TH PHALGUNA,
1943 BAIL APPL. NO. 17 OF 2022 CRIME NO.906 OF 2021 OF
KASABA POLICE STATION PETITIONER/ACCUSED: USHADEVI P T
AGED 57 YEARS DREAM, MYLAMBADY, KUTHIRAVATTOM P O,
KOZHIKODE, PIN - BY ADVS. S.RAJEEV
K.K.DHEERENDRAKRISHNAN V.VINAY M.S.ANEER SARATH K.P.
RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR HIGH COURT OF KERALA , PIN - 682031 2 SHO
KASABA POLICE STATION, KOZHIKODE IN CRIME NO
SRI.T.R.RENJITH (SR.P.P.) THIS BAIL APPLICATION HAVING COME

UP FOR ADMISSION ON 17.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.17/2022 2

ORDER

This is an application for anticipatory bail.

2. The petitioner is the accused in Crime No.906/2021 of Kasaba Police Station, alleging commission of offences punishable under Sections 409 and 420 of the Indian Penal Code.

3. The allegation against the petitioner is that while working as a

Senior Accountant of the Kerala Bank, the petitioner had misappropriated a sum of Rs.20,26,701/- on different occasions and thereby, she committed the offences alleged against her.

4. The learned counsel appearing for the petitioner submits that the allegation is completely untrue. It is submitted that the aforesaid amounts were kept in 'anamath account', which is in the nature of a suspense

account and the petitioner had not misappropriated any amount. It is submitted that the complaint was filed only on account of the fact that the auditor pointed out that there was a short fall of the aforesaid amount. It is submitted that the entire amount has now been credited back to the bank and at any rate, the custodial interrogation of the petitioner is not necessary in the matter. It is submitted that the petitioner is a 57 year old lady, who has an unblemished record and she may not be compelled to undergo interrogation in custody. It is submitted that no loss has been caused to the bank.

5. Heard the learned Public Prosecutor also.

6. The learned Public Prosecutor opposes the grant of bail. The

B.A.No.17/2022 3 circumstances of the case are pointed out from the record. The learned Public Prosecutor also submits that a final report has already been filed in the matter and it is numbered as C.C.No.119/2020 on the file of the Judicial First

Class Magistrate Court-III, Kozhikode.

6. Having regard to the facts and circumstances of the case and

considering the fact that the petitioner is a 57 year old lady and also considering the fact that, according to the petitioner, the entire amounts have been remitted in full to the bank and no loss whatsoever has been occasioned to the bank, I am of the opinion that the petitioner can be granted anticipatory bail subject to conditions.

7. In the result, this application is allowed. It is directed that the petitioner shall be released on anticipatory bail, in the event of arrest in Crime No.906/2021 of Kasaba Police Station subject to the following conditions:-

(i) Petitioner shall execute a separate bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;

(ii) Petitioner shall appear before the investigating officer in Crime No. 906/2021 of Kasaba Police Station as and when called upon to do so;

(iii) Petitioner shall not attempt to contact the de facto complainant or to influence or intimidate any witness in Crime No. 906/2021 of Kasaba Police Station;

(iv) Petitioner shall not involve in any other crime while on bail. B.A.No.17/2022 4 If any of the aforesaid conditions are violated, the Investigating officer in Crime No.906/2021 of Kasaba Police Station may file an application before the jurisdictional Court for cancellation of bail.

sd/- GOPINATH P. JUDGE acd B.A.No.17/2022 5 APPENDIX OF BAIL APPL. 17/2022 PETITIONER ANNEXURES Annexure1 ORDER IN CRL MC NO 1793/2021 PASSED BY THE ADDL. SESSIONS JUDGE-I, KOZHIKODE DATED 30.12.2021

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