

Shahin T. vs State of Kerala, Represented by the Public Prosecutor

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Court : Kerala

Decided On : Mar-18-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./542/2022

Appellant : Shahin T.

Respondent : State of Kerala, Represented by the Public Prosecutor

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY, THE 18TH DAY OF MARCH 2022 / 27TH PHALGUNA, 1943 PETITIONERS: 1 SHAHIN T. AGED 32 YEARS 2 SARA JALAL AGED 27 YEARS 3 THAHA M. AGED 69 YEARS 4 MEHARUNNISA S. AGED 59 YEARS 5 SHAJIN T. AGED 39 YEARS BY ADVS. T.I.UNNIRAJA S.G.SREEKANTH S.BADUSHA SREEJITH S. JOEL ANTONY GEORGE FAHEEM AHSAN.S RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGHCOURT OF KERALA, ERNAKULAM, PIN - 682031 2 THE STATION HOUSE OFFICER, MANGALAPURAM

POLICE STATION, THIRUVANANTHAPURAM THE STATION HOUSE
OFFICER, MANGALAPURAM POLICE STATION,
THIRUVANANTHAPURAM, PIN - 695501 3 ARUN, AGED 37 YEARS
S/O MADHUSOODHANAN PILLAI, VISMAYAM, KEEZHPATTU,
MAYYANADU, KOLLAM, KERALA-691303 IS IMPEADED AS ADDL
R3 AS PER ORDER DATED 15/2/2022 IN CRIM.MA.NO.1/2022.

SRI. M.C. ASHI (PP) THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 18.03.2022, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

ORDER

Petitioners are the accused Nos. 1 to 5 in Crime No.803/2019 of Mangalapuram
Police Station, Thiruvananthapuram district alleging commission of offences under
Sections 420 read with Section 34 of the IPC.

2. The allegation against the petitioners is that, by giving

false promises, they induced the defacto complainant to invest money in a firm
dealing with cryptocurrency. It is alleged that the company in question simply
vanished one fine day and thereby the petitioners committed the offences alleged
against them.

3. The learned counsel appearing for the petitioners would submit that the
petitioners are absolutely innocent in the

matter. It is submitted that the petitioners themselves were victims of fraud and
they had also lost their money invested with the company. It is submitted that the
petitioners have absolutely nothing to do with the company and the defacto
complainant has

no case that any amount of money was directly given to the petitioners. It is
submitted that the amounts of money which were transferred to the accounts of
the petitioners were for purchasing cryptocurrency already purchased by the
petitioner and was not for direct purchase of any cryptocurrency. It is submitted

that, at any rate, custodial interrogation of the petitioners is not necessary for the purposes of any investigation.

4. The learned Public Prosecutor opposes the grant of bail. It is submitted that the defacto complainant and 15 others were induced to invest huge sums of money (a total of

Rs.34,94,790/-) into cryptocurrency owing to the false representations by the petitioners herein. It is submitted that the entire money was transferred through bank and the transactions cannot be denied by the petitioners. It is submitted that the petitioners are not entitled to be released on bail.

5. Having regard to the facts and circumstances of the

case, I am of the opinion that the petitioners can be granted anticipatory bail subject to conditions. The case against them can be properly investigated without their custodial interrogation.

6. In the result, this bail application is allowed. It is

directed that the petitioners shall be released on anticipatory bail, in the event of their arrest in connection with Crime No.803/2019 of Mangalapuram Police Station subject to the following conditions:-

(I) Petitioners shall execute separate bonds for sums 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) Petitioners shall deposit an amount of Rs.1,00,000/- (Rupees One lakh only) before the jurisdictional court;

(iii) Petitioners shall appear before the investigating officer in Crime No.803/2019 of Mangalapuram Police Station as and when called upon to do so;

(iv) Petitioners shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.803/2019 of Mangalapuram Police Station;

(v) Petitioners shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the Investigating officer in Crime No.803/2019 of Mangalapuram Police Station may file an application before the jurisdictional Court for cancellation of bail.

Sd/- GOPINATH P. JUDGE AJ APPENDIX OF BAIL APPL. 542/2022
PETITIONER EXHIBITS Exhibit1 ORDER DATED 04/12/2021 OF ADL. DISTRICT
AND SESSIONS JUDGE- VI, THIRUVANANTHAPURAM

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