

Noushad vs State of Kerala

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Court : Kerala

Decided On : Aug-05-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./544/2022

Appellant : Noushad

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
FRIDAY, THE 5TH DAY OF AUGUST 2022 / 14TH SRAVANA, 1944
(CRIME NO.58/2022 OF KARUNAGAPALLY POLICE STATION,
KOLLAM) PETITIONER/ACCUSED: NOUSHAD, AGED 45 YEARS
NOUSHAD MANZIL, KADATHOOR, THAZHAVA, PIN - 690 523. BY
ADV M.R.SASITH RESPONDENTS/COMPLAINANTS: 1 STATE OF
KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM, PIN - 682 031. 2 NOUSHAD P.H.
SALEENA MANZIL, PALLISSERICKAL MURI, SASTHAMCOTTA,
KOLLAM, PIN - 690 521. BY ADVS. SINDHU SANTHALINGAM RAJEEV
RAJADHANI

OTHER PRESENT: PP - SRI. M.C.ASHI THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05.08.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: VIJU ABRAHAM, J BA No.544 of 2022 th Dated this the 5 day of August, 2022

ORDER

This is an application for anticipatory bail.

2. The Petitioner is the sole accused in Crime No.58/2022 of Karunagappally Police Station, alleging commission of offence punishable under Section 420 of the Indian Penal Code.

3. The prosecution allegation is that the petitioner

introduced himself that he is an agent of KSFE and on the basis of that the defacto complainant joined chitty of Edappally Kotta KSFE Branch on 20/10/2020 bearing chitty No:24 and thereafter he has issued a DC No: 9 i.e.; (Door Collection Card) and obtained Rs 45,800/- from the de facto complainant for depositing at KSFE Edappally Kotta Branch. And thereafter not deposit the said amount to the KSFE and thereby cheated him.

4. The learned counsel for the petitioner submitted that, the petitioner has been falsely implicated in the aforesaid crime and further that whatever amount collected from the defacto complainant has been deposited.

5. Learned counsel for the Public Prosecutor upon

instructions submitted that the petitioner is a agent of the KSFE and he has received an amount of Rs.45,800/- from the defacto complainant but did not deposit the amount to the KSFE and cheated him.

6. Considering the facts and circumstances of the case and the nature of the allegations, I am inclined to grant anticipatory bail to the petitioner. In the result, this application is allowed. Petitioner shall surrender before the investigating officer in Crime No.58/2022 of Karunagappally Police Station, on

12.08.2022 at 11 am for interrogation.

It is d

Jurisdictional Magistrates Court and he shall be released on

bail subject to the following conditions:-

(i) The

only) with two solvent sureties each for the likesum to the satisfaction of the Jurisdictional Court,

(ii) The petitioner shall appear before the investigating officer in Crime No.58/2022 of Karunagappally Police Station, as and when called for,

(iii) The petitioner shall not attempt to

influence the defacto complainant or interfere with the investigation or to influence or intimidate any witness in Crime No.58/2022 of Karunagappally Police Station,

(v) The petitioner shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the investigating officer in Crime No.58/2022 of Karunagappally Police Station, may file an application before the jurisdictional Court, for cancellation of bail. sd/- VIJU ABRAHAM, JUDGE R.AV

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