

Sreekumar vs State of Kerala

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Court : Kerala

Decided On : Sep-30-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./1300/2022

Appellant : Sreekumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
FRIDAY, THE 30TH DAY OF SEPTEMBER 2022 / 8TH ASWINA, 1944
BAIL APPL. NO. 1300 OF 2022 PETITIONER/ACCUSED NO.1:
SREEKUMAR AGED 53 YEARS MANNANATTU HOUSE C. M. C - 34,
CHERTHALA P.O. ALAPPUZHA, PIN - 688524 BY ADVS. BIJU
VIGNESWAR B.PRAMOD NAMITHA JYOTHISH
RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM,
PIN - 682031 BY ADV SEETHA S. PUBLIC PROSECUTOR THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 30.09.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Bail

VIJU ABRAHAM , J.

===== Bail Appln. No. 1300 of 2022
===== Dated this the 30th day of
September, 2022

ORDER

This is an application for anticipatory bail.

2. Petitioner is the sole accused in in Crime No. 0107/2022

of Cherthala Police Station, Alappuzha alleging commission of the offences punishable under Sections 406, 420, 468, and 471 read with Section 34 of the Indian Penal Code.

3. The prosecution allegation is that petitioner promised to

give employment to the wife of the defacto complainant in an organisation HOMCO and the accused obtained an amount of Rs.5,70,000/- and without giving job thereby cheated the defacto complainant.

4. The case of the petitioner is that the defacto complainant

was introduced to accused Nos. 2 and 3 by the petitioner. Even though in the complaint preferred by the defacto complainant, an amount of Rs. 5,70,000/- was handed over to the petitioner, it is also submitted that the said amount was transferred to the joint account of the accused Nos. 2 and 3. It is also submitted that he has also been defrauded by accused Nos. 2 and 3 and they

Bail Appln. No. 1300 of 2022 3 promised to offer job to his son, nephew and his niece. And only due to the said acquaintance with accused Nos. 2 and 3, the petitioner had introduced the defacto complainant to them.

5. The learned Public Prosecutor seriously opposed the

application for bail mainly contending that custodial interrogation is required especially for the reason that the mobile phone used by the petitioner is to be seized.

6. The learned counsel for the petitioner submitted that the mobile phone is already surrendered to the police, and the said submission is recorded.

7. Considering the facts and circumstances of the case and

nature of allegation, I feel that only limited custody is required for the purpose of the investigation. Therefore, I am inclined to grant anticipatory bail to the petitioner. In the result, this application is allowed. The Petitioner shall

surrender before the Investigating Officer in Crime No. 0107/2022 of Cherthala police station on 07.10.2022 at 11 AM and shall make himself available for interrogation on that day or any other day/days as directed by the Investigating Officer. In the event of arrest of the petitioner in Crime No. 0107/2022 of Cherthala police station, the petitioner shall be produced before the jurisdictional

Bail Appln. No. 1300 of 2022 4 Magistrates Court on the very same day and shall be released on bail subject to the following condition.

(i) The petitioner shall execute a 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) The petitioner shall appear before the investigating officer in Crime No. 0107/2022 of Cherthala 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.

iv) The petitioner shall surrender his passport before the jurisdictional court. If the petitioner does not have a passport, he shall execute an affidavit to that effect and file the same before the said court within seven

days of release on bail; v) The petitioner shall not leave the state without obtaining prior permission from the jurisdictional Court;

(iv) The petitioner shall not involve in any other crime while on bail. Bail Appln. No. 1300 of 2022 5 If any of the aforesaid conditions are violated, the investigating officer in Crime No. 0107/2022 of Cherthala police station may file an application before the jurisdictional Court, for cancellation of bail. It is made clear that it is within the power of the police to investigate the matter and if necessary to effect recoveries on the information if any given by the petitioner even when the petitioner is on bail as per the judgment of the Apex Court in Sushila Aggarwal and others v. State (NCT of Delhi) and another (2020 (1) KHC 663). Sd/- VIJU ABRAHAM JUDGE sks/-

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