

Ratheesh vs State of Kerala

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Court : Kerala Orders

Decided On : Sep-29-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./310/2021

Appellant : Ratheesh

Respondent : State of Kerala

Judgement :

BAIL APPL. NO. 310 OF 2021 PETITIONER/ACCUSED RATHEESH AGED 46 YEARS SON OF RAJAPPAN, SUNDARAM, EDAYAM P.O., EDAYAM, ARACKAL VILLAGE, PUNALLOOR TALUK, KOLLAM DISTRICT, PIN PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 2 AMALKUMAR.A.S. S/O SUSEELAN NAIR, SOURAYUDHAM VEEDU (FROM ARKKA BHAVAN) EDAYAM P.O., PULLAKKODE MURI, ANCHAL, ARACKAL VILLAGE, KOLLAM DISTRICT - 69153 IS IMPEADED AS ADDL R2 AS PER ORDER DATED 18/3/2021 IN CRL MA 1/2021 OTHER PRESENT: SMT. SREEJA.V- SR.PP 29.09.2021, ALONG WITH Bail Appl..551/2021, THE COURT ON THE SAME BAIL APPL. NO. 551 OF 2021 PETITIONER/2ND ACCUSED SHIMA T.S. AGED 36 YEARS WIFE OF RATHEESH, SUNDARAM, EDAYAM P.O., EDAYAM, ARACKAL

VILLAGE, PUNALLOOR TALUK, KOLLAM DISTRICT., PIN
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. 2 ADDL.R2
AMALKUMAR.A.S. S/O SUSEELAN NAIR, SOURAYUDHAM
VEEDU,(FROM ARKKA BHAVAN), EDAYAM P.O, PULLAKKODE
MURI, ANCHAL, ARACKAL VILLAGE, KOLLAM DISTRICT-691532.
ADDL.R2 IS IMPEADED AS PER ORDER DATED 18/3/2021 IN
CRL.MA 1/2021. BY ADV PUBLIC PROSECUTOR SRI.MANU P.G
29.09.2021, ALONG WITH Bail Appl..310/2021, THE COURT ON THE
SAME

ORDER

Bail Application No.310 of 2021 is filed by the first accused in Crime No.15/2021 of Anchal Police Station registered for the offences punishable under Section 420 read with Section 34 of the IPC. Bail Application No.551/2021 is the application filed by the second accused in the very same crime. Both applications are for pre-arrest bail.

2. The prosecution allegation is that the petitioners and the

defacto complainant are neighbours and are having close acquaintance. The petitioners with the intention to cheat the defacto complainant approached him and informed that they are intending to start a financial institution and if he is ready to part with money, he could also join as a partner. Believing the words of the petitioners, the defacto complainant had initially paid a sum of Rs.1,10,000/- on 23.9.2016 and thereafter paid more money on various occasions. In

total the defacto complainant had handed over a sum of Rs.23,80,000/- to the petitioners through bank out of which Rs.1,10,000/- alone was directly paid. But they have neither started the company nor returned the amount. Thus the petitioners have cheated the defacto complainant.

3. The learned Public Prosecutor would submit that now the

investigation of the case is over and charge sheet has been submitted before the jurisdictional court. Since the investigation is over and charge sheet has been

submitted, I find no justification to consider the request of the petitioners for pre-arrest bail.

4. The allegations levelled against the petitioners are grave and serious in nature as prima facie it appears that they have approached the defacto complainant with the intention to cheat him. Considering all these facts, I find it appropriate to dispose of these petitions directing them to surrender before the jurisdictional court at the earliest and seek regular bail. Dismissed. Sd/- SHIRCY V. JUDGE smm

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