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Mikdad vs State of Kerala

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Court : Kerala Orders

Decided On : Jan-30-2019

Judge : Honourable Mr. Justice Sunil Thomas

Appeal No. : Bail Appl./379/2019

Appellant : Mikdad

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SUNIL THOMAS WEDNESDAY, THE 30TH DAY OF JANUARY 2019 / 10TH MAGHA, 1940 Bail Appl..No. 379 of 2019 CRIME NO. 115/2019 OF ERNAKULAM TOWN NORTH POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED: MIKDAD, AGED 38 YEARS S/O.HASSAINAR (LATE), KALLUVALAPPIL (H), BHOODANAM.P.O, VELUMBLYAMPADAM, EDAKKARA, CHUNGATHARA, MALAPPURAM DISTRICT. BY ADV. SRI.C.M.MOHAMMED IQUABAL RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-31. SR.PP C.N PRABHAKARAN THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 30.01.2019, ALONG WITH B.A.NO.380/2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Petitioners apprehending arrest in Crime No.115/2019 of Ernakulam Town North Police Station for offences punishable under Sections 406 and 420 IPC seeks bail. The prosecution allegation is that the de facto complainant who is a Bengalee employed in a hotel at Kottayam was in the habit of purchasing lottery tickets. It is stated by him that he purchased one 'win win' lottery of Kerala Government. It got prized. Since he was afraid of disclosing it to others, he informed few of his friends, who advised him to seek the help of the hotel manager. Thereafter, they contacted the Bank Manager, who informed that only it can be collected through an account and on production of the identity card. He sought the help of the petitioner in B.A. No.379/2019. It is stated that the above petitioner assured to collect the money for him, got the lottery ticket from him

and presented it in the joint account maintained by the petitioner in B.A.No.379/2019 and the petitioner in B.A. No.380/2019. Contending that the petitioner in B.A. No.379/2019 has thereafter absconded, complaint was laid. Apprehending arrest, petitioners seek bail.

2. The stand of the petitioners in B.A.

Nos.379/2019 and 380/2019 is that they have jointly purchased the lottery ticket and after prizing it, it was submitted for collection through the joint account.

3. On investigation it is revealed that, it has been confirmed on the basis of the available materials that the de facto complainant had in fact prized the ticket.

4. It was submitted by the learned Public Prosecutor that the petitioner in B.A. No.380/2019 has not been arrayed as an accused till now. Hence, B.A. No.380/2019 is closed reserving the right of the petitioner in B.A. No.380/2019 to

move afresh, if he is arrayed as an accused.

Considering the serious nature of allegations and the stage of investigation, I am not inclined to grant bail to the petitioner in B.A. No.379/2019. B.A. No.379/2019 fails and is dismissed. Sd/- SUNIL THOMAS, JUDGE Pn 30/01

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