
(2020) 11 KL CK 0023

In the High Court Of Kerala

Case No : Bail Application No. 7155, 7156, 7157, 7158, 7159, 7160, 7161, 7162, 7163, 7164, 7165, 7628 Of 2020

Anil Kumar And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 19-11-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 201, 406, 420, 423, 471

Citation : (2020) 11 KL CK 0023

Hon'ble Judges : Ashok Menon, J

Bench : Single Bench

Advocate : V.A. Johnson, C.N. Prabhakaran

Final Decision : Allowed

Judgement

1. The applicants are accused Nos.1 and 3 in the aforesaid crimes for having allegedly committed offences punishable under Sections 406, 420, 201,

423, 471 r/w Section 34 of the IPC.

2. The prosecution case, in brief, is that the applicants along with the other co-accused had induced farmers and formed a group to cultivate banana

and each group had availed of a loan from Canara Bank, Nenmara branch of Rs.4 lakhs and it is stated that the de facto complainants had received

Rs.3 lakhs and handed it over to the 3rd accused and the 3rd accused handed over Rs.1 lakh to Murighan and Murughan and dispersed Rs.25,000/-

each to the members of the groups. Instead of helping the farmers, the accused persons had intervened to cheat the farmers and misappropriated a

major portion of the loan which was obtained from the Canara Bank for the purpose of cultivation. It is also stated that they had forged documents to

be produced before the bank to indicate that banana cultivation has been conducted by the farmers. Hence, the crimes were registered. There are 20 cases registered against the applicants. All offences are of similar nature.

3. The applicants state that the allegations are not true and that the amounts were paid by the bank directly to the cultivators and that they have not received any share as the money which was received as a loan.

4. Investigation will have to be made regarding the extent of involvement of the applicants. The second accused being a lady has already been released on bail. The applicants' involvement will also have to be investigated. However, they have been in custody since 21.10.2020 and custodial interrogation of the applicants is already over. Further incarceration particularly during these pandemic times may not be necessary. There is no possibility of their absconding or not co-operating with the investigation. Under the circumstances, I find that they are entitled to be released on bail.

5. In the result, the bail applications are allowed and the applicants are directed to be released on bail on the execution of bond for Rs.1,00,000

(Rupees One lakh only) in each of the cases with two solvent sureties for the like amount each to the satisfaction of the jurisdictional court and on the following conditions;

1. They shall appear before the investigating officer on all Saturdays between 9 a.m and 12 noon for a period of two months or till filing of the final report whichever is earlier.
2. They shall not attempt to influence or intimidate the witnesses.
3. They shall not get involved in similar offences during the currency of the bail.

In the event of violating the bail conditions, the prosecution shall be at liberty to apply for cancellation of bail before the jurisdictional court.