

(2020) 12 KL CK 0220

In the High Court Of Kerala

Case No : Bail Application Nos. 4578, 4579, 4605, 4713, 4714, 4761 Of 2020

Ashok Kumar B And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 15-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 406, 420

Citation : (2020) 12 KL CK 0220

Hon'ble Judges : Ashok Menon, J

Bench : Single Bench

Advocate : S. Sanal Kumar, E.C. Bineesh

Final Decision : Allowed

Judgement

1. The applicant in BA Nos. 4578/2020, 4579/2020, 4605/2020 is the 2nd accused in the crimes referred to therein and the applicant in BA Nos.

4713/2020, 4714/2020, 4761/2020 is the 5th accused in the crimes referred to therein. All the crimes are for offences punishable under Sections 420,

406, 120B read with Section 34 of the IPC. The prosecution case, in brief, is this:

2. The 2nd accused is a treasurer of Veda Vyasa Vidya Peedom, an unaided school and the 5th accused is a collecting agent and they had allegedly

induced the defacto complainant to join a chitty in the year 2016 and a monthly payment of Rs.5,000/- was collected from those persons for 31

months.

However, the chitty amount was not paid to them and thus, they were cheated and the amounts misappropriated. It is alleged that the applicants were

working as treasurer and collecting agent for a Trust and the amount was realised by the Trust and not by the applicants personally. The Trust has

properties which could be liquidated for the purpose of payment of money to the subscribers. The incident occurred in the year 2016. One

Radhakrishanan Nair was the Secretary during the year 2016 and he died unexpectedly and therefore, the financial matters of the Trust came to a

nought and could not be materialized. The applicants are innocent and they have no other criminal antecedents. They are willing to co-operate with the investigation and seek anticipatory bail.

3. Heard the learned counsel appearing for the applicants and the learned Public Prosecutor. The applicants are allegedly involved in running the Trust

in the form of treasurer and collection agent. The Trust received the amount and the applicants did not allegedly misappropriate the amount for

themselves. They are willing to co-operate with the investigation. And, I find no reason for custodial interrogation of the applicants. Some of the

accused have already granted anticipatory bail and the applicants are also similarly placed.

4. In the result, the application is allowed and the applicants are directed to surrender before the Investigating Officer within two weeks. After

interrogation, in the event of their being arrested, they shall be released on bail on the execution of bonds for Rs.50,000/- (Rupees Fifty thousand only)

each with two solvent sureties each for the like amount to the satisfaction of the Investigating Officer and on the following further conditions:

(i) They shall appear before the Investigating Officer as and when called for, and they shall co-operate with the investigation.

(ii) They shall not tamper with evidence, influence or intimidate witnesses.

(iii) They shall not get involved in any similar offences during the bail period.

In case of breach of any of the bail conditions, the prosecution shall be at liberty to apply for cancellation of bail before the jurisdictional court.

The bail applications are allowed.