
(2020) 12 KL CK 0098

In the High Court Of Kerala

Case No : Bail Application Nos. 7836, 7838, 7842, 7844, 7846, 7848 Of 2020

Shalu And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 07-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 420, 465, 471

Citation : (2020) 12 KL CK 0098

Hon'ble Judges : Ashok Menon, J

Bench : Single Bench

Advocate : Anil K. Mohammed, E.C. Bineessh

Final Decision : Allowed

Judgement

1. The applicant is the first accused in the aforesaid crimes for which he is seeking regular bail under Section 439 of the Cr.P.C. There are six crimes registered against the applicant for having allegedly committed offences punishable under Sections 420, 465, and 471 of the IPC. He was arrested on 31.10.2020 in the 1st crime that was taken by the Irinjalakuda police as Crime No.1436/2020. In all the rest of the crimes, his formal arrest was recorded on 10.11.2020.

2. The prosecution case in all these crimes registered against the applicant in brief are that, the applicant had presented loose cheques of various persons in the Town Co-operative Bank, Irinjalakuda Nada Branch and those cheques of the customers were obtained by the applicant with the help of the 2nd accused who is a clerk in the bank and thereafter the 3rd accused allegedly forged some of signatures where some other signatures were forged by the applicant himself and the amounts were withdrawn from the

accounts of the customers.

3. The applicant states that the allegations are not true. It is pointed out that some of the amounts were withdrawn by means of cheque, but some

others were by means of RTGS transfers, which could definitely not have been possible by means of issuance of a forged cheque as alleged by the

prosecution. The applicant states that he is a businessman dealing in used cars and motorcycles. There are no other criminal antecedents against him

apart from these series of cases which had been registered in short succession against him. It is also submitted that he has been in custody for a fairly

long time. He has been subjected to custodial interrogation and no purpose will be served by keeping him in judicial custody for a period longer than

this. The applicant is only 22 years old. It is also stated that the 3rd accused had already been granted bail in some other crimes and the applicant also

may be granted bail.

4. Heard the learned counsel for the applicant and the learned Public Prosecutor.

5. It is true that the applicant has no other criminal antecedents apart from these six crimes which have been registered in quick succession against

him. He is allegedly involved in this crime collaborating with the bank official who has been implicated as the 2nd accused. The applicant states that he

has already been subjected to custodial interrogation and nothing more is to be recovered from him. All the documents which were allegedly forged

are in the custody of the investigating officer. Under the circumstances, the only evidence that has to be collected is a report of the expert regarding

the alleged forgery and the transactions are to be ascertained from the bank records. No purpose would be served by detaining the applicant any

longer, particularly in view of the fact that he is aged only 22 and has no previous antecedents apart from six crimes which have been registered

against him.

6. In the result, the bail applications are allowed and the applicant is directed to be released on bail on execution of bond for Rs.2,00,000/- (Rupees

Two lakh only) with two solvent sureties for the like amount each to the satisfaction of the jurisdictional court and on the following conditions;

(1) He shall appear before the investigating officer on all Saturdays between 9 a.m and 12 noon for a period of three months or till filing of the final

report whichever is earlier and co-operate with the investigation.

(2) He shall not attempt to influence or intimidate the witnesses.

(3) He 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.