
Ramachandran Vs State Of Kerala

Bail Application No. 555 Of 2023

Court: High Court Of Kerala

Date of Decision: March 2, 2023

Acts Referred:

Code of Criminal Procedure, 1973 " Section 439#Indian Penal Code, 1860 " Section 406, 420, 468, 471

Citation: (2023) 03 KL CK 0016

Hon'ble Judges: A.Badharudeen, J

Bench: Single Bench

Advocate: K.Sudhinkumar, P.Mohandas, S.Nithin, T V Neema

Final Decision: Allowed

Judgement

A. Badharudeen, J

1. This is an application for regular bail filed under Section 439 of the Code of Criminal Procedure, by the petitioner who is the sole accused in Crime

No.1163 of 2022 of Thenmala Police Station, Kollam.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. I have perused the relevant materials forming part of the case diary produced by the learned Public Prosecutor.

4. The prosecution case, as could be read out from the materials placed by the learned Public Prosecutor, is that, the accused herein, who had worked

as Clerk at SBI, Thenmala Branch, obtained documents from the defacto complainant for the purpose of getting his fixed deposits renewed and

thereafter, by forging the above documents, he had transferred Rs.1,20,600/- from the account of one Vijayakumar to the account of one Santhosh

Kumar. Later in the same fashion, he transferred Rs.6,23,600/- and misappropriated the said sum and thereby committed breach of trust and cheated

the Bank. Accordingly, the prosecution alleges commission of offences punishable under Sections 406, 420, 468 and 471 of the Indian Penal Code.

5. The learned counsel for the petitioner pressed for grant of regular bail to the petitioner, on the submission that, the petitioner has been in custody

from 17.12.2022. The learned counsel also pointed out the progress of investigation, while pressing for regular bail.

6. Whereas the learned Public Prosecutor zealously opposed bail in this matter, on the submission that, an Officer of the Bank cheated its customers,

after creating forged documents and thereby, he had misappropriated Rs.1,20,600/- and Rs.6,23,600/-. It is submitted by the learned Public Prosecutor

further that, the petitioner is an accused in another Crime No.1163 of 2022 of Thenmala Police Station where, the allegation was that he had

withdrawn and misappropriated Rs.1,50,000/-on 04.11.2022 by getting documents from an illiterate customer by obtaining the signature on the

premise of getting the fixed deposit receipt renewed. It is submitted further that the petitioner has been in custody in the said crime also.

7. On perusal of the prosecution records, the prosecution case as to misappropriation of Rs.1,20,600/-and Rs.6,23,600/- by the petitioner, who was

working as Clerk at SBI, Thenmala by using forged documents is well established, prima facie. Further he had involvement in Crime No.1163 of 2022

of Thenmala Police Station on the allegation that he had committed similar offences. The involvement of the petitioner, who is clerk of a Bank,

repeatedly, in cheating and defrauding the customers is a very serious matter. In this scenario, the Bank authorities must proceed against the petitioner

to stop his misappropriation in future in accordance with law, since the allegations are very serious. Whether the Bank would allow this petitioner to

continue as Clerk of the Bank is a matter of serious concern.

8. However, having considered his custody from 17.12.2022 and the progress of investigation, I am inclined to release him on bail on conditions and

one among the conditions is that he shall not involve or indulge in any offence during the currency of bail and any such event, if reported or came to

the notice of this Court, the same shall be a reason to cancel the bail hereby granted.

In the result, this petition stands allowed and he is released on bail on the following conditions:

i. The petitioner shall be released on bail on his executing bond for Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties, each for the

like amount to the satisfaction of the jurisdictional court concerned.

ii. The petitioner shall not intimidate the witnesses or tamper with evidence. He shall co-operate with the investigation and shall be available for trial.

iii. The petitioner shall appear before the Investigating Officer as and when directed.

iv. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of this case, so as to

dissuade him from disclosing such facts to the court or to any police officer.

v. The petitioner shall surrender his passport, if any, within 7 days from the date of his release, before the trial court. If he has no passport, he shall file

an affidavit in this regard on the date of execution of the bond or within 3 days thereafter.

vi. The petitioner shall not involve in any other offence during the currency of bail and any such event, if reported or came to the notice of this court,

the same shall be a reason to cancel the bail hereby granted.

Registry is directed to forward a copy of this order to the Manager, State Bank of India, Thenmala Branch for information.