

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 31ST DAY OF MARCH 2022 / 10TH CHAITHRA, 1944

BAIL APPL. NO. 2109 OF 2022

CRIME NO.544/2020 OF INFOPARK POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED:

GOPAKUMAR.G., AGED 48 YEARS
DOOR NO. 63, VAISHANAVAM HOUSE,
ANSALS RIVERDALE, ARAKKAKADAV BRIDGE,
EROOR, ERNAKULAM DISTRICT, PIN - 682306

BY ADVS.
M.B.SHYNI
K.R.ARUN KRISHNAN
RAJESH KUMAR.R
V.R.ANILKUMAR
PAREETH LUTHUFIN K.B.
RAMEES P.K.
ERFANA PARAMBADAN

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA
ERNAKULAM, PIN - 682031
- 2 AJITHKUMAR MOHAPATHRA
FLAT NO.2A, UPENDRA NIWAS, N2/165, IRC VILLAGE,
NAYAPALLI, BHUBANESWAR, ORISSA, PIN - 751015

BY SMT.S.SEETHA, SR.PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31.03.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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ORDER

This is an application for regular bail.

2. The petitioner is the 3rd accused in Crime No. 544 of 2020 of Infopark Police Station, Ernakulam District, alleging commission of offences punishable under Sections 406, 417, 420, 468 & 500 r/w Section 34 of the Indian Penal Code.
3. The allegation against the petitioner is that the petitioner along with the other accused in the case, dishonestly induced the *de facto* complainant to invest huge sums of money after promising that he would made a partner/share holder in the business being run by the 1st accused in Kuwait and Singapore. It is alleged that the *de facto* complainant was made to believe that the petitioner is a close relative of the Panthalam Raja and arrangements could be made for purchase of huge tracts of land in Pandalam. The 1st accused also is alleged to have defamed the *de facto* complainant and his wife and thereby, the accused have committed the offences alleged against them.
4. The learned counsel for the petitioner submits that the petitioner is absolutely innocent in the matter. It is submitted that no money was transferred by the *de facto* complainant to the bank account of

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the petitioner. It is further submitted that even going by the allegations contained in the First Information Statement of the *de facto* complainant, the amounts were transferred to the personal accounts of accused 1 and 2. It is also submitted that the petitioner had not made any representation that he was a relative of the Panthalam Raja and that the said allegation relates to the 1st accused and not to the petitioner. It is submitted that the petitioner has been falsely implicated in the matter and that he has no knowledge of any amount received by the other accused in the case. It is further submitted that the petitioner has been in custody from 10.03.2022 and that his continued detention is not necessary for the purpose of any investigation.

5. The learned Public Prosecutor and the learned counsel for the *de facto* complainant vehemently oppose the grant of bail. It is submitted that the petitioner along with the other accused had given false promises and made various inducements to the *de facto* complainant, as a result of which, a total amount of nearly Rs.5 crore was paid by the *de facto* complainant to the accused in this case. It is further submitted that all the aforesaid amounts were transferred through bank accounts and there is clear evidence that the money was siphoned off by the accused. Therefore, it is

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submitted that the petitioner is clearly guilty of the offences alleged against him and that he is not entitled to be released on bail at this point of time.

6. Having heard the learned counsel for the petitioner, the learned Public Prosecutor and the learned counsel for the *de facto* complainant, and having perused the records, I find that at present, there is nothing to show that any amount was received personally by the petitioner. The amounts transferred seem to be to the personal accounts of accused 1 and 2 and not to the account of the petitioner. It is also not transferred to the accounts of any company/partnership, of which the petitioner is the shareholder or partner, though the learned Public Prosecutor asserts that the investigation conducted thus far reveals that the petitioner along with the accused 1 and 2 is shareholder of the company, in respect of which, the *de facto* complainant allegedly made investment. *Prima facie*, I am of the view that the case of the petitioner stands on a slightly different footing than the other accused in the case. Therefore, I am inclined to grant bail to the petitioner subject to conditions.

In the result, the bail application is allowed and it is directed that the petitioner shall be released on bail subject to the following

conditions:

- (a) The petitioner shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court;
- (b) Petitioner shall appear before the investigating officer in Crime No. 544 of 2020 of Infopark Police Station, Ernakulam District, every Saturday at 10.00 am until further orders;
- (c) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate the *de facto* complainant or any witness in Crime No. 544 of 2020 of Infopark Police Station, Ernakulam District;
- (d) The petitioner shall surrender his passport before the jurisdictional court. If the petitioner does not have a passport, he shall execute an affidavit to that effect and file the same before the jurisdictional court within seven days of release on bail;
- (e) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions is violated, the investigating

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officer in Crime No. 544 of 2020 of Infopark Police Station, Ernakulam District, may file an application before the jurisdictional court for cancellation of bail.

Sd/-

GOPINATH P.

JUDGE

bka/31.03.2022