

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

TUESDAY, THE 12TH DAY OF APRIL 2022 / 22ND CHAITHRA, 1944

BAIL APPL. NO. 2864 OF 2022

CRIME NO. 45/2022 OF ELAMAKKARA POLICE STATION, ERNAKULAM

PETITIONER/S:

ASIF ALI JARDARI
AGED 26 YEARS
S/O.KAPUR KHAN,
MALAKHERA, ALWAR,
RAJASTHAN
, PIN - 301401
BY ADVS.
K.R.VINOD
M.S.LETHA
K.S.SREEREKHA
JACQUELINE JACKSON
JOHN TONY AKKARA

RESPONDENT/S:

STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI , PIN - 682031

OTHER PRESENT:

SR.PP-SMT.SEETHA S

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12.04.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER

This is an application seeking regular bail filed under Section 439 of the Code of Criminal Procedure.

2. The petitioner is accused No.1 in Crime No.45/2022 of Cheranelloor Police Station. The offences alleged against the petitioner are punishable under Sections 406 & 420 r/w Section 34 of the Indian Penal Code.

3. The prosecution case is that the petitioner along with other accused with intent to obtain wrongful gain to them and to cause wrongful loss to the State Bank of India, Changampuzha Branch, entered into a criminal conspiracy and in pursuance of the said conspiracy withdrew Rs.19,000/- on 10.12.2021 by using the ATM Card belonging to the petitioner.

4. The petitioner was arrested on 10.02.2022 and has been in judicial custody since then.

5. Heard the learned counsel for the petitioner

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and the learned Public Prosecutor.

6. The learned counsel for the petitioner submitted that the final report has not been filed so far and the petitioner is entitled to statutory bail.

7. The learned Public Prosecutor, upon instructions, submitted that the final report has not been submitted in this case. Therefore, the petitioner is entitled to statutory bail.

8. In the result, this Bail Application is allowed as follows :

- (a) 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 sum to the satisfaction of the jurisdictional Magistrate.
- (b) He shall appear before the Investigating Officer on all Mondays and Fridays between 10 A.M. and 11 A.M. for a period of three months or till the final report is filed, whichever is earlier.

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(c) He shall not try to influence the prosecution witnesses or attempt to tamper with the evidence.

Sd/-
K.BABU, JUDGE

kkj

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APPENDIX OF BAIL APPL. 2864/2022

PETITIONER ANNEXURES

Annexure A1	THE COPY OF THE ORDER OF THE HONOURABLE SESSIONS COURT ERNAKULUM IN CRL.MC NO.563/2022 DATED 16.03.2022
Annexure A2	THE COPY OF THE ORDER IN CRL.MC NO.664/2022 OF THE HONOURABLE SESSIONS COURT ERNAKULUM