

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION

Present:-

Sri. C.K.Madhusoodanan, Additional Sessions Judge - VI

(In-charge of Additional Sessions Judge - II)

Friday, 5th day of April, 2024/16th Chaithra, 1946

Crl.MC No.997/2024

(Crime No.338/2024 of Palarivattom Police Station)

**Petitioners/
Accused No.5, 6 & 7:**

1. Huvais C P, aged 25 years, S/o.Musthafa C P, Therattummam, Urangoli, Areecod, Malappuram.
2. Muhammed Nishad, aged 25 years, S/o.Abdullah, Pulikkalakath House, Kavanar.P.O., Malappuram-673 639.
3. Shibin T T, aged 25 years, Thekkum Thottathil, Kuzhimootiyil.P.O., Kavanar, Malappuram-673 639.

By Adv. T S Sarath

**Respondent/
Complainant:**

State of Kerala represented by Public Prosecutor,
Sessions Court, Ernakulam.

By Public Prosecutor Sri.Anver Basheer

This petition filed u/s.439 of Cr.PC, praying this Court to grant regular bail to the petitioner.

This petition coming on for hearing on 02.04.2024 and the Court on 05.04.2024 passed the following:

ORDER

This is an application for regular bail submitted u/s.439 of Cr.PC by the accused No.5, 6 & 7 in crime No.338/2024 of Palarivattom Police Station u/s 406, 420,34 IPC & 66D Information Technology Act. The accused are in custody from 10.03.2024.

2. The prosecution case is as follows. All the accused shared a common intention to cheat the defacto complainant, created a WhatsApp group with first accused as group admin and made the defacto complainant believe that high profit would be given on his investments in the share market and on that false assurance, the accused dishonestly induced the defacto complainant and thereby he invested 10,50,000/- rupees in the bank accounts suggested by the accused, but the accused dishonestly misappropriated the amount and thus committed above offences.

3. Notice was given to the prosecution. The investigating officer filed a report opposing bail.

4. Heard both sides.

5. The offence is very grave and severe punishment is prescribed by law. It is a settled law that the seriousness of offences and severity of punishment should be considered while granting bail. This sort of offences are on an increasing trend and granting an easy bail convey wrong message to the society. Involvement of these accused will be evidenced from digital transactions and

therefore, a strong prima facie case is made out. The specific allegation of the prosecution is that the defrauded amount was withdrawn through several accounts of these accused. The investigation is only at a preliminary stage and releasing these accused at this stage will hamper the progress of investigation. Considering all above circumstances, seriousness of offence and severity of punishment, this court is not inclined to grant bail at this preliminary stage of investigation.

In the result, the petition is dismissed.

Dictated to the confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 5th day of April 2024.

Sd/-

C.K.Madhusoodanan

Additional Sessions Judge-VI

(In-charge of Additional Sessions Judge-II)

Typed by: Sindhu.S.T.
Comp.by:

Crl. MC No.997/2024
Order dated: 05.04.2024