IN THE COURT OF SESSION, ERNAKULAM DIVISION

Present:-

Sri. K K Balakrishnan, Sessions Judge

Monday, the 9th day of March, 2026/18th Phalguna, 1947

B . A. No. 375/2026

(Crime No 639/2025 of Elamakkara Police Station)

Petitioners/Accused :-

1. Manoj Paul, aged 52 years, S/o. Paul P T, Puthussery, Mookkannoor, Ernakulam-683 577.

2. Merin Muttom, aged 45 years, W/o. Manoj Paul, Puthussery, Mookkannoor, Ernakulam-683 577.

By Advs. K T Saju, Srinath C V & Gayathir Rajagopal.

Respondent / Complainant:-

State of Kerala represented by Public Prosecutor
through Station House Officer, Elamakkara Police Station,
Ernakulam-682 0256.

By Public Prosecutor Sri.Manoj G.Krishnan

This petition filed u/s. 482 of Bharathiya Nagarik Suraksha Sanhita, praying this court to grant anticipatory bail to the petitioner.

This petition coming on for hearing on 07.03.2026 and the court on 09.03.2026 passed the following:-

O R D E R

This petition is filed u/s.482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by A7 and A8, they are husband and wife, in crime No.639/2025 of Elamakkara Police Station. The offences alleged against them are punishable under Sections 406 and 420 read with section 34 IPC.

2. The prosecution case as revealed from the report of the investigating officer, in brief, is as follows:- A1 is a finance company by name Melkar Finance and Leasing Pvt. Ltd., A2 is its Managing Director, A3 to 5 are the Managers and Legal Adviser and A7 (first petitioner) is the Auto Loan Section Head of the company. The accused persons with an intention to deceive the defacto complainant made them to believe that their company will provide annual interest for the investments in NCD (Non-Convertible Debenture), Subordinated Debt certificate, fixed deposit, and Share Certificate and had collected money through different schemes. From the defacto complainant the accused persons ₹5 lakh but it was not returned as promised. The company transferred ₹1.5 crore to the accounts of the petitioners and on the next day itself both withdrawn the money. The invested money of the defacto complainant was misappropriated by the accused persons. The accused persons cheated many persons including the defacto complainant of this case. More than 100 cases registered in connection with financial fraud committed by the said company. The petitioners have actively involved in the financial fraud and therefore both are arrayed as A7 and A8 in the case. So both petitioner committed above stated serious offences.

3. The petitioners contended that they are innocent of the allegations levelled against them. They filed WP(C)No.42023/2025 before Hon’ble High Court seeking police protection after receiving threatening phone calls. The copy of Writ Petition produced by the petitioner. Bank account of them freezed by the

police and frequently made enquiries about them. Apprehending arrest they sought pre-arrest bail in the above matter.

4. In the report, the investigating officer seriously opposed the application pointing out the initial stage of investigation of the case. More than 100 cases are registered against the petitioners and co-accused for committing financial fraud affecting many people. More time is needed to unearth details of the offence committed by the petitioners. Investigation is continuing to find the extent of the financial fraud committed by the petitioners. Granting of pre-arest bail to the petitioners definitely affect the ongoing investigation. The possibility of absconding of them cannot be ruled out and there is chance for influencing or intimidating witnesses. So, the investigating officer pleaded to dismiss the petition.

5. Heard both sides and perused the case diary.

6. The learned counsel for the petitioners reiterated the facts narrated in the petition. The petitioners have not committed any offence with dishonest intention to cheat the defacto complainant. The learned counsel submitted that ₹1.5 crore received by the petitioners from the company by way of loan depositing their property documents. There is no primafacie case of cheating in this case. The matter is only a financial dispute in which petitioners have no role. They are absolutely innocent in this case. They are ready to abide any conditions imposed by the court, if released on bail. The learned counsel argued to allow the petition.

7. The learned Public Prosecutor seriously opposed the arguments of the petitioners' counsel and submitted that, the investigation of the case is at a nascent stage. More than 100 cases are registered against the petitioners. Custodial interrogation of the petitioners is highly necessary to collect evidence. If the petitioners are released on bail at this stage, there is possibility of influencing witnesses and thereby cause hindrance to the investigation. So, the learned Prosecutor argued for the dismissal of the petition.

8. The crux of the allegation against the petitioners is serious financial fraud. First petitioner was the loan head of the company and he along with his wife obtained 1.5 crore from the company. The learned counsel for them admitted that they have not returned the money. As per the allegation the first petitioner along with co accused with an intention to deceive the defacto complainant collected money in NCD (Non-Convertible Debenture), Subordinated Debt certificate, fixed deposit, and Share Certificate. First petitioner is Auto Loan Section Head of the company. The undisputed fact is that on 15/10/2025, from the account of A1 transferred ₹80 lakh to the account of first petitioner and ₹70 lakh in the account of the second petitioner. It is pertinent to note that on the next day of transfer of the ₹1.5 crore, the petitioners withdrawn entire amount. Perusal of the case records reveals that the subject matter needed more time for collecting evidence. As per the available records strong prima facie case is made out against the petitioners for committing said offences. There is

merit in the contention of the prosecution for custodial interrogation of the petitioners. If pre arrest bail is granted to the petitioners, the chance for absconding of them also cannot be ruled out. Considering all the above facts and circumstance and the serious nature of the offences alleged, I am of the view that this is not a fit case to invoke the jurisdiction vested under S.482 of BNSS to grant pre-arrest bail to the petitioners at this stage and hence the petition is liable to be dismissed.

In the result, the petition is dismissed.

Dictated to the Confidential Assistant, transcribed and typed by her, revised and corrected by me and pronounced on this the 09th day of March, 2026.

Sd/-

K K Balakrishnan
Sessions Judge

sm/
comp. By:

B A No. 375/2026
Order dated: 09.03.2026