IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

MONDAY, THE 25TH DAY OF AUGUST 2025 / 3RD BHADRA, 1947

BAIL APPL. NO. 9981 OF 2025

CRIME NO.1688/2025 OF Muvattupuzha Police Station, Ernakulam

PETITIONER/ACCUSED:

SANTHY KRISHNAN,
AGED 45 YEARS
W/O.LATE BINOY CHANDRAN, THADATHIL HOUSE, EAST MARADI P.O., MUVATTUPUZHA, PIN - 686673

BY ADV SRI.K.V.SABU

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

BY SPL.PUBLIC PROSECUTOR SRI.RAJESH.A., VACB,
SR.PUBLIC PROSECUTOR SMT.REKHA.S., VACB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20.08.2025, THE COURT ON 25.08.2025 PASSED THE FOLLOWING:

ORDER

Dated this the 25th day of August, 2025

This is an application for anticipatory bail, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, by the sole accused in Crime No.1688/2025 of Muvattupuzha police station, Ernakulam.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor, in detail. Perused the records, and the case diary at length.

3. Here, the prosecution alleges commission of offences punishable under Sections 465, 468, 471, 409 and 420 of the Indian Penal Code as well as under Section 13(1)(c) r/w 13(2) of the Prevention of Corruption Act, 1988, by the sole accused in this case.

4. The prosecution allegation is that the accused had worked

as a writer of Traffic Enforcement Unit, Muvattupuzha during the period from 2009 to 31.10.2021. During 2015, the money collected by various police officers was entrusted to the accused, after recording the same in the TR-5 Book, which was meant for deposit in State Bank of India, Aluva Branch in A/c.No.30721006307, and also in A/c.No.08652 of State Bank of India, Aramanappady Branch. While depositing the amount, the petitioner/accused, by preparing the original, duplicate and triplicate expenditure voucher slips, showed a lesser amount than what was actually deposited. After obtaining the seal of the Bank, she used to enter the amount as per the TR-5 Book, by manipulating and falsifying the same, and thereafter retained the balance. The further allegations is that, in that way, the accused misappropriated a sum of Rs.20,90,750/- (Rupees Twenty Lakh Ninety Thousand Seven Hundred and Fifty only).

5. The learned counsel for the petitioner, while pressing for grant of anticipatory bail, argued at length by highlighting the

petitioner's status as a widow and the existence of some grudge against her by a police constable. According to the learned counsel, there is allegation that the petitioner purchased property and constructed a building etc., by using the funds misappropriated, but the same could not be justified and according to the learned counsel, Annexure A3 – copy of the title deed, Annexure A4 – copy of the loan granting proceedings, and Annexure A5 – copy of the bank statements, would show that the income earned by the petitioner during the relevant period was from accountable sources. According to the learned counsel, Sub-Inspectors also worked in the police unit, and the petitioner had no role in remitting the amount. Therefore, the petitioner is absolutely innocent of the allegations. It is further submitted that the petitioner is willing to abide by any conditions that may be imposed as a pre-requisite for the grant of anticipatory bail, and she is ready to co-operate with the investigation.

6. Whereas, the learned Public Prosecutor, while opposing the bail application of the petitioner in connection with the misappropriation of Rs.20,90,750/- (Rupees Twenty Lakh Ninety Thousand Seven Hundred and Fifty only), placed the detailed report of the Investigating Officer and the entire case diary. According to the learned Public Prosecutor, during the period of misappropriation, the petitioner alone dealt with the job of writer and dealt with the money and she was engaged in making entries in TR-5 Book as well as the expenditure voucher slip in original, duplicate and triplicate. The learned Public Prosecutor would submit that, while the petitioner remitted amounts in the Banks, she did not deposit the entire amount actually collected as per the TR-5 Book, and only a lesser amount was remitted. Thereafter, on obtaining the original and duplicate slips, the accused manipulated and falsified the same by showing the amount as per the TR-5 Book, so that the manipulation could not be detected without verifying the Bank

accounts. It is also pointed out by the learned Public Prosecutor that the net salary of the petitioner is around Rs.30,000/-, out of which, as evident from Annexure A4 – loan sanctioning letter issued by LIC, she has to pay Rs.21,000/- towards EMI. That apart, during investigation, it has been revealed that the petitioner had joined various chitties in different financial institutions, namely, Government Servants Co-operative Society, Muvattupuzha; KSFE, Muvattupuzha; KSFE, Pezhakkappilly; Tailoring Employees Co-operative Society, Muvattupuzha; Agricultural Co-operative Society, Ayavana and Ernakulam District Police Credit Society, having a total salah of Rs.1,50,000/- and materials to show such remittances were also collected during investigation. That apart, as pointed out by the learned Public Prosecutor and as per the report, the petitioner reached the Bank for remitting the amount as stated by the staff working at State Bank of Muvattupuzha. Therefore, the petitioner cannot wriggle out from the liability of misappropriation by shouldering the same to other officers, after having dealt with the money and failed to deposit the same in Bank as she had misappropriated a total sum of Rs.20,90,750/- (Rupees Twenty Lakh Ninety Thousand Seven Hundred and Fifty only). It is also pointed out that, in this case, as part of the investigation, it is necessary to collect the specimen handwritings, sample signatures, and admitted documents of the accused for comparison with the documents alleged to have been manipulated, and for this purpose, the petitioner has to be questioned in custody. Therefore, grant of anticipatory bail at the instance of the petitioner cannot be allowed, as the same would hamper the investigation of a serious crime and defeat meaningful prosecution.

7. When the learned Public Prosecutor made arguments regarding these vital aspects, the learned counsel for the petitioner emphatically denied the fact that the petitioner never done the duty of remitting the amounts to the Banks and if any materials in this

regard had been collected by the Investigating Officer, he would not press the bail application.

8. In view of the above contention, I have obtained the case diary, with a view to address whether any statements available to show that the petitioner, while working as a writer, remitted amounts in the Bank accounts. On scrutiny of the statements available in the case diary, it could be seen that Smt.Minu, W/o.Sri.Thomas, who has been working as Senior Assistant at State Bank of India, Muvattupuzha given evidence that the fine amount pertaining to Traffic wing of Muvattupuzha police was remitted always by Santhy madam (the accused) and she also deposed about the modes of remittance by producing expenditure vouchers in original, duplicate and triplicate. According to this witness, after keeping the triplicate voucher in Bank, the original and duplicate vouchers would be returned and the seal with ID number of the staff in the cash counter could be affixed in the receipt. Similarly, another

Senior Assistant at State Bank of India, Muvattupuzha, by name Smt.Surya, W/o.Sri.Anoop, given similar statement. Another Senior Assistant by name Ani.M., W/o.Sri.Binu, who is working as Senior Assistant at State Bank of India, Muvattupuzha also given similar statement. That apart, Sri.Paul K.P. S/o.Sri.Poulose, who retired during May 2021 and worked at State Bank of India, Muvattupuzha from 05.09.2017 to 02.06.2019 also given statement that the remittance pertaining to Traffic wing of Muvattupuzha police station was done by the accused and the mode, as deposed by other witnesses. Sri.Suresh K.T., S/o.Thankappan, who worked during 2019 to 2021 at State Bank of India, Aramanappady branch also given statement regarding remittance solely done by the accused. Smt.Thushara, W/o.Sri.Pradeep, who worked in State of Bank of India, Muvattupuzha branch also given statement in the same line.

9. Thus, the case diary would go to show that during the period, the amount collected by various police officers as fine was

dealt with by the accused herein, and after recording the same in TR-5, she directly remitted the same before the Banks. The prosecution allegation is that while remitting the amount, she had shown a lesser amount than what was actually to be deposited and while preparing the original, duplicate, and triplicate expenditure voucher slips and on receiving the duplicate and triplicate vouchers, she manipulated the same by entering the actual amount in parity with the entry made in TR-5, so as to make it appear that she had remitted the amount shown in TR-5. Thus, the possibilities of detecting this manipulation also was cleverly hided by the accused. Thus, the complicity of the petitioner in the matter of manipulation is well made out from the statements of the Bank officials, which negates her version.

10. It is relevant to note that as already pointed out, the accused maintained various chitties, having a total salah of Rs.1,50,000/-. Remittance as per the statements collected from the above financial institutions form part of the case diary, would

substantiate the same. It is relevant to note further that the petitioner's take home salary during the period is in and around Rs.21,000/- and the same should have to be remitted to the LIC housing loan itself. Thus, expense in large number exceeding her income also to be gathered from the case diary materials.

11. After reserving this matter for orders, with permission of this Court, the petitioner produced Annexures A7 document and A8 - Bank Statement in her name to show that she had received money from her brother along with Crl.M.A.No.1/2025. These documents also accepted by allowing the petition. In fact, detection of a few cases by the petitioner, as per Annexure A7, on 16.08.2021, 13.09.2023, 12.02.2024, and 16.02.2024, as part of her duty to be discernible from Annexure A7. Thus, Annexure A7 would show that she did not do any duty other than registering one case during 2021, during the period of allegation, and the other three cases outside the said period. As such, Annexure A7 is in favour of the prosecution

and the same would show that the petitioner was fully engaged in her duty of a writer and dealt with the money during the period of allegation. Coming to Annexure A8, majority of remittances are her salary from treasury, varies from Rs.20,000/- to Rs.23,000/-, though some remittances otherwise are foreseeable. But Annexure A8 does not show that the accused had substantial fund in her account to remit the same to various chitties, as alleged. This also would fortify the prosecution allegation.

12. Moreover, when search was conducted at the house of the accused in the presence of Executive Magistrate on the strength of a warrant issued by the Vigilance Court, Muvattupuzha, 8 TR-5 cash book, station duty register, 405 and above expenditure vouchers, TA Acquittance register, MV petty compound register, DL cancellation register, Bank charge sheet of Judicial First Class Magistrate Court, Muvattupuzha, non bailable warrants, bank pass books, cheque books and the note book of the accused, were hidden at her house

and the same were recovered in the presence of the Executive Magistrate. Regarding this recovery, it is pointed out by the learned counsel for the petitioner that this is false recovery made by the Vigilance to collect evidence against her. This argument is zealously opposed by the learned Public Prosecutor and submitted that in order to ensure transparency in the matter of search and recovery, the search was conducted in the presence of the Executive Magistrate, as directed by the court and there is no reason for the Executive Magistrate to join hands with the Vigilance to manipulate records against the petitioner and the said allegation raised by the petitioner is absolutely baseless.

13. On perusal of the case diary, running into large number of pages (not countable), it is discernible that the prosecution allegation as to misappropriation of Rs.20,90,750/- (Rupees Twenty Lakh Ninety Thousand Seven Hundred and Fifty only) by the accused as alleged by the prosecution is well established *prima facie* and

Annexure A8, her Bank Statement also would fortify the allegations. During investigation, many materials collected including the statements of the Bank officials, as discussed hereinabove, to show that it was the accused made remittance of the fine collected in the Banks. The expenses incurred by the accused to remit chitty amounts from the Government Servants Co-operative Society, Muvattupuzha; KSFE, Muvattupuzha; KSFE, Pezhakkappilly; Tailoring Employees Co-operative Society, Muvattupuzha; Agricultural Co-operative Society, Ayavana; and Ernakulam District Police Credit Society were also collected, and the same show that she could not pay the amounts from her salary or from the amount she had in her Bank account, as per Annexure A8. Thus, the prosecution materials would go to show that the prosecution case is well made out *prima facie* and in such a case, as submitted by the learned Public Prosecutor, arrest, custodial interrogation, collection of specimen signatures and handwritings of the accused and also where from she obtained this money to spend in excess of her income, are absolutely essential. Insofar as grant of bail to the accused involving serious corruption case is concerned, the same is to be exercised with extreme caution.

14. On scrutiny of the prosecution materials on par with the decision of the Apex Court reported in [2025 KHC 6219], ***Devinder Kumar Bansal v. State of Punjab***, the parameters for grant of anticipatory bail in a serious offence like corruption are required to be satisfied. Anticipatory bail can be granted only in exceptional circumstances where the Court is, *prima facie*, of the view that the applicant has been falsely enroped in the crime or the allegations are politically motivated or are frivolous.

15. So far as the case at hand is concerned, it cannot be said that any exceptional circumstances have been made out by the petitioner/accused for grant of anticipatory bail and there is no frivolity in the prosecution. Thus, this is not a fit case to grant

anticipatory bail. Therefore, the plea of anticipatory bail would definitely fail.

Accordingly, the anticipatory bail application is dismissed with a direction to the petitioner to surrender before the Investigating Officer and co-operate with the investigation, forthwith, without fail. On failure to do so, the Investigating Officer is at liberty to arrest the petitioner, as per law.

Sd/-
A. BADHARUDEEN
JUDGE

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