

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 5TH DAY OF MAY, 2020 / 15TH VAISAKHA, 1942

B.A. TMP No. 285 / 2020

(Arising out of Crime No.416 of 2020 of  
Pathanamthitta Police Station, Pathanamthitta District)

**PETITIONER:**

A. Ubaidulla, aged 43 years, S/o. Ahammed, House No.2/6, Near Aram Pannai Mosque, Aram Pannai P.O., Aram Pannai Village, Thirunelvely District, Tamilnadu State, now residing at Chirappattil House, Near Vallabhan Kara S.T. Cashew nut Factory, Puthur P.O., Puthur Village, Kollam District, Pin-691 507.

By Adv. Sri. ABU MATHEW

Sri. VINU CHAND

Sri. AJU MATHEW

**RESPONDENTS:**

1. State of Kerala, represented by Public Prosecutor, High Court of Kerala, Ernakulam, Kochi-682 031.
2. The Sub Inspector of Police, Pathanamthitta Police Station, Pathanamthitta P.O., Pathanamthitta District, Pin-689 645.

SRI. AJITH MURALI, PP

SRI. SANTHOSH PETER, SR. PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
05.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J**

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B.A.TMP.No.285 of 2020  
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Dated this the 5<sup>th</sup> day of May, 2020

**O R D E R**

This Bail Application filed under Section 439 of Criminal Procedure Code was heard through Video Conference.

2. Petitioner is the accused in Crime No.416 of 2020 of Pathanamthitta Police Station, Pathanamthitta District. The above case is registered against the petitioner alleging offences punishable under Section 420 of Indian Penal Code. Petitioner is in custody from 20.3.2020.

3. The prosecution case is that on 11.3.2020 the petitioner pledged fake gold (Mukkupandam) in the J.J. Finance after made believing the defacto complainant that the pledged articles are the original gold ornaments and obtained loan. According to the prosecution, the petitioner committed the offence under Section 420 IPC.

4. The counsel for the petitioner submitted that the petitioner is in custody from 20.3.2020 onwards. He is ready to

abide by any conditions, if he is released on bail.

5. The learned Public Prosecutor opposed the bail application and submitted that he is involved in five other similar offences. Therefore, the Public Prosecutor opposed that he may not be granted bail.

6. After hearing both sides, according to me, this is not a fit case, in which the bail can be granted. The petitioner is involved in similar offences. He is in custody only from 20.3.2020. Since the bail application is considered during the lockdown period, I am not in a position to peruse the case diary in detail. In such circumstances, liberty can be granted to the petitioner to move the bail application after re-opening, when the regular court starts sitting.

Hence, this bail application is dismissed with liberty to the petitioner to move a bail application again after re-opening, when the regular sitting is started.

**P.V.KUNHIKRISHNAN  
JUDGE**

**ab**