

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**  
**PRESENT**  
**THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS**  
**FRIDAY, THE 4<sup>TH</sup> DAY OF NOVEMBER 2022 / 13TH KARTHIKA, 1944**  
**BAIL APPL. NO. 8298 OF 2022**

**(CRIME NO. 19 OF 2021 OF CYBER CRIME POLICE STATION, KASARAGOD)**

**PETITIONER/ACCUSED:**

**N. INDIRA**  
**AGED 45 YEARS**  
**W/O NALLAPPAN, NO. 8/185-2,**  
**SRI SIVASAKKTHI ILLAM,**  
**METTUPPALAYAM JUNCTION,**  
**PAPPAMPADY POST. OMALUR TALUK,**  
**SALEM DISTRICT, TAMIL NADU - 636306**  
**BY ADV R.DIVAKARAN**

**RESPONDENT/STATE:**

**STATE OF KERALA**  
**REPRESENTED PUBLIC PROSECUTOR,**  
**HIGH COURT OF KERALA, KOCHIN, PIN - 682031**  
**BY ADV PUBLIC PROSECUTOR**

**OTHER PRESENT:**

**PP SRI.NOUSHAD K.A**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON**  
**04.11.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**BECHU KURIAN THOMAS, J.**

**=====**

**B.A. No. 8298 of 2022**

**=====**

**Dated this the 4<sup>th</sup> day of November, 2022**

**O R D E R**

This is an application for pre-arrest bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. Petitioner is the accused in Crime No. 19 of 2021 of Cyber Crime Police Station, Kasaragod District alleging offences punishable under Section 420 of the Indian Penal Code, 1860, apart from Sections 66(C ) and 66(D) of the Information Technology Act, 2000.

3. According to the prosecution, on 25.11.2021 an intimation was received by the defacto complainant on her phone to install an application called 'Any Desk' and thereafter, an amount of Rs.24,700/- was transferred from her account into the Any Desk account through the application called 'Bharath Pay'. Realizing that the petitioner has been cheated of her money, a complaint was filed which was registered as FIR No. 19/2021. During investigation, it was realized that the amount paid into the Bharath Pay account was transferred to an account allegedly maintained by the petitioner and thereby the accused committed the offences alleged.

4. Sri. R. Divakaran, the learned Counsel for the petitioner

contended that petitioner is a business women, having no criminal antecedents and that her records have been misused for creating a fake account at the Federal Bank, Salem branch and that she has not received any amount from the defacto complainant nor has she any involvement in the alleged offences. It was also submitted that petitioner is willing to abide by any conditions that may be imposed and that she will co-operate with the investigation.

5. Sri. Noushad, K.A, the learned Public Prosecutor contended that petitioner is alleged to have opened an account with the Federal Bank Salem Branch and thereafter, cheated the defacto complainant of a large sum of money and thereby committed the offences alleged against her. It was also submitted that the allegations are serious in nature and custodial interrogation is necessary to unravel the truth behind the allegations.

6. I have considered the rival contentions. Even though the petitioner alleges that she has no involvement in the crime, following the trail of money, it was allegedly fallen into an account allegedly standing in the name of the petitioner. Taking note of the above, I am of the view that the interrogation of the petitioner is essential for the purpose of investigation. However, taking into reckoning the fact that the petitioner is a women and that she asserts that she had never opened such account nor has she received any amount, I am of the

view that custodial interrogation of the petitioner is not required.

7. Accordingly, this application is allowed on the following conditions:

(a) Petitioner shall appear before the Investigating Officer on 17.11.2022 and shall subject herself to interrogation.

(b) If after interrogation, the Investigating Officer proposes to arrest the petitioner, then, she shall be released on bail on her executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each, for the like sum, before the Investigating Officer.

(c) Petitioner shall appear before the Investigating Officer as and when required and shall also co-operate with the investigation.

(d) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall she tamper with the evidence.

(e) Petitioner shall not commit any similar offences while she is on bail.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.

**BECHU KURIAN THOMAS**

**JUDGE**

**APPENDIX OF BAIL APPL. 8298/2022**

**PETITIONER ANNEXURES :**

- |                    |   |
|--------------------|---|
| <b>ANNEXURE A1</b> | <b>THE TRUE COPY OF FIR IN CRIME NO.<br/>19/2021 OF CYBER CRIME POLICE STATION,<br/>KASARGOD</b>  |
| <b>ANNEXURE A2</b> | <b>THE TRUE COPY OF THE COMPLAINT<br/>SUBMITTED BY THE PETITIONER BEFORE THE<br/>DEPUTY SUPERINTENDENT OF POLICE, CYBER<br/>CRIME DEPARTMENT, SALEM ON 03.10.2022</b> |
| <b>ANNEXURE A3</b> | <b>THE TRUE COPY OF THE ONLINE<br/>ACKNOWLEDGEMENT DATED 03.10.2022</b>   |
| <b>ANNEXURE A4</b> | <b>THE TRUE COPY OF THE COMPLAINT<br/>SUBMITTED BEFORE THE REGIONAL MANAGER,<br/>FEDERAL BANK, SALEM DATED 03.10.2022</b>   |

**// True Copy // PA To Judge**