IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

FRIDAY, THE 12TH DAY OF JUNE 2026 / 22ND JYAISHTA, 1948

BAIL APPL. NO. 2409 OF 2026

CRIME NO.1750/2025 OF KOLLAM WEST POLICE STATION, KOLLAM

PETITIONERS/PETITIONER/ACCUSED:

BALAKRISHNAN NAIR
AGED 75 YEARS, S/O GOPALAN NAIR, PUSHPAVILASOM MCRA
MULANKADAKOM THIRUMULLAVARAM P O KOLLAM, PIN - 691012

BY ADVS.
SRI.S.RAJEEV
SRI.V.VINAY
SRI.M.S.ANEER
SHRI.SARATH K.P.
SHRI.ANILKUMAR C.R.
SHRI.K.S.KIRAN KRISHNAN
SHRI.AZAD SUNIL
SHRI.T.P.ARAVIND
SHRI.AKASH CHERIAN THOMAS
SHRI.MAHESWAR PADICKAL
SMT.AKSHARA S.
SMT.NIVEDITA RAJEEV
SMT.DIPA V.

RESPONDENT/RESPONDENTS/STATE:

1 STATE OF KERALA
REPRESENTED BY UBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. (CRIME NO 1750/2025 OF KOLLAM WEST POLICE STATION KOLLAM DISTRICT)

2 STATION HOUSE OFFICER
KOLLAM WEST POLICE STATION (CRIME NO. 1750/2025 OF KOLLAM WEST POLICE STATION KOLLAM DISTRICT, PIN - 691013

SMT.REKHA.S, SR.PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 02.06.2026, ALONG WITH Bail Appl..2410/2026, 2412/2026, THE COURT ON 12.06.2026 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

FRIDAY, THE 12TH DAY OF JUNE 2026 / 22ND JYAISHTA, 1948

BAIL APPL. NO. 2410 OF 2026

CRIME NO.1291/2025 OF KOLLAM WEST POLICE STATION, KOLLAM

PETITIONER/PETITIONER/ACCUSED:

BALAKRISHNAN NAIR, AGED 74 YEARS
S/O GOPALAN NAIR PUSHPAVILASOM MCRA MULANKADAKOM
THIRUMULLAVARAM P O KOLLAM, PIN - 691012

BY ADVS.
SRI.S.RAJEEV
SRI.V.VINAY
SRI.P.M.SANEER
SMT.DIPA V.
SHRI.SARATH K.P.
SHRI.ANILKUMAR C.R.
SHRI.K.S.KIRAN KRISHNAN
SHRI.AZAD SUNIL
SHRI.AKASH CHERIAN THOMAS
SHRI.T.P.ARAVIND
SHRI.MAHESWAR PADICKAL
SMT.AKSHARA S.
SMT.NIVEDITA RAJEEV

RESPONDENT/RESPONDENT/STATE:

1 STATE OF KERALA
REPRESENTED BY REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

2 STATION HOUSE OFFICER
KOLLAM WEST POLICE STATION (CRIME NO. 1291/2025 OF
KOLLAM WEST POLICE STATION KOLLAM DISTRICT, PIN -
69013

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 02.06.2026, ALONG WITH Bail Appl..2409/2026 AND CONNECTED CASES, THE COURT ON 12.06.2026 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

FRIDAY, THE 12TH DAY OF JUNE 2026 / 22ND JYAISHTA, 1948

BAIL APPL. NO. 2412 OF 2026

CRIME NO.1176/2025 OF KOLLAM WEST POLICE STATION,KOLLAM

PETITIONER/PETITIONER/ACCUSED:

BALAKRISHNAN NAIR,, AGED 74 YEARS
S/O GOPALAN NAIR PUSHPAVILASOM MCRA MULANKADAKOM
THIRUMULLAVARAM P O KOLLAM, PIN - 691012

BY ADVS.
SRI.S.RAJEEV
SRI.V.VINAY
SRI.M.S.ANEER
SHRI.SARATH K.P.
SMT.DIPA V.
SHRI.K.S.KIRAN KRISHNAN
SHRI.ANILKUMAR C.R.
SHRI.AKASH CHERIAN THOMAS
SHRI.AZAD SUNIL
SHRI.T.P.ARAVIND
SHRI.MAHESWAR PADICKAL
SMT.AKSHARA S.
SMT.NIVEDITA RAJEEV

RESPONDENT/RESPONDENT/STATE:

1 STATE OF KERALA
REPRESENTED BY REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

2 STATION HOUSE OFFICER
KOLLAM WEST POLICE STATION (CRIME NO. 1176/2025 OF KOLLAM WEST POLICE STATION KOLLAM DISTRICT, PIN - 691013

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 02.06.2026, ALONG WITH Bail Appl..2409/2026 AND CONNECTED CASES, THE COURT ON 12.06.2026 DELIVERED THE FOLLOWING:

COMMON ORDER

Dated this the 12th day of June, 2026

Sri.Balakrishnan Nair, who is arrayed as the 2nd accused in Crime Nos.1291/2025, 1176/2025 and 1750/2025 of Kollam West Police station, now being investigated by the Crime Branch, seeks anticipatory bail in all these petitions filed under Section 482 of the the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor appearing for the Vigilance and Anti-Corruption Bureau (VACB) in detail. Perused the relevant records and the case diaries along with the report submitted by the Investigating Officer.

3. In crime No.1750/2025, the prosecution alleges commission of offences punishable under Sections 420 and 406 r/w. 34 of the Indian Penal Code (hereinafter referred to as 'IPC' for short) and Sections 21 r/w. 3, 22 r/w. 4 and 23 r/w. 5 of the Banning of Unregulated Deposit Schemes Act, 2019 (hereinafter referred to as 'BUDS Act' for short) and under Section 13(1)(a) r/w. 13(2) of the Prevention of Corruption Act, as amended in 2018 (hereinafter referred to as 'PC (Amendment) Act, 2018' for short). The prosecution case is that, 1st accused and the 2nd accused, who is the petitioner herein, were the Secretary and the President of the Co-operative Building Society Ltd. No.Q157, (hereinafter referred to as 'Society' for short), Kollam respectively and they, along with the Board Members of the Society, with criminal intention to make

illegal gain and cause corresponding loss to the de facto complainant, made to believe him that if he deposit money in the Society he would get high rate of interest and the deposited amount would be returned as and when the de facto complainant required. On believing the same, the de facto complainant deposited an amount of ₹1,25,000/- (Rupees one lakh twenty five thousand only) as Fixed Deposit on 31.03.2023, and for the same, the 1st accused who is the Secretary of the Society issued Fixed Deposit Receipt No.355 with her signature and official seal of the Society. Subsequently, the de facto complainant further deposited ₹1,00,000/- on 07.09.2023, ₹1,50,000/- on 08.12.2023, ₹2,45,000/- on 26.03.2024, ₹1,10,000/- on 30.03.2024, and ₹5,75,000/- on 12.04.2024. The accused persons issued Fixed Deposit

Receipts for the above deposits with serial Nos.996, 174, 693, 805 and 365 respectively, with signature of the 1st accused/Secretary and the official seal of the Society. Thereafter, on maturity of the deposits, the de facto complainant approached the Society but the accused persons failed to return the above said Fixed Deposits amounting to ₹13,05,000/- (₹1,25,000 + ₹1,00,000 + ₹1,50,000 + ₹2,45,000 + ₹1,10,000+ ₹5,75,000). Thereby the accused persons dishonestly made illegal profit and caused corresponding loss to the de facto complainant and thus committed the above offences.

4. Similarly, in Crime No.1291/2024, the prosecution alleges commission of offences punishable under Sections 409 and 420 r/w. 34 of IPC, Sections 21 r/w. 3, 22 r/w. 4 and 23 r/w. 5 of the BUDS Act and under Section 13(1)(a) r/w. 13(2) of the

PC (Amendment) Act. Here, the prosecution allegation is that, 1st accused and the 2nd accused, who is the petitioner herein, were the Secretary and the President of the Society respectively and the accused persons, with criminal intention to make illegal profit and cause corresponding loss to the de facto complainant, made to believe him that if the de facto complainant deposits an amount of ₹10,00,000/- (Rupees one lakh only), his daughter 'Mohini' would give employment in the office of the Society. On believing the same, the de facto complainant deposited an amount of ₹5,00,000/- on 30.01.2024 and 1st accused/Secretary issued Fixed Deposit Receipt with her signature and official seal of the Society. Thereafter, the accused persons failed to provide employment for the daughter of the de facto complainant in the Society as offered even after four months. Therefore, the de facto complainant asked to return the money deposited. Thereafter, the accused persons issued a cheque bearing No.013944, for an amount of ₹5,40,000/-, drawn on the account of the Society in the Kerala State Co-operative Bank, bearing account No. 113412002001839 with the signatures of accused Nos.1 and 2. Subsequently, the de facto complainant presented the cheque at State Bank of India, Nediyavila Branch. However, the cheque was returned due to insufficient fund and there by the accused persons made illegal profit for an amount of ₹5,00,000/- (Rupees five lakh only) and caused corresponding loss to the de facto complainant for the same and thus committed the above offences.

5. In crime No.1176/2025, the prosecution alleges commission of offences punishable under Sections 409 and 420 r/w.34 of IPC, Sections 21 r/w. 3, 22 r/w. 4 and 23 r/w. 5 of the BUDS Act and under Section 13(1)(a) r/w . 13(2) of the PC (Amendment) Act, 2018. The prosecution allegation is that, 1st accused and the 2nd accused, who is the petitioner herein, were the Secretary and the President of the Society respectively and the accused persons, with criminal intention to make illegal profits and cause corresponding loss to the de facto complainant, and with knowledge that acceptance of Fixed Deposits for higher rate of interest is unregulated and illegal, received an amount of ₹2,50,000/- (Rupees two lakh fifty thousand only) from the de facto complainant as Fixed Deposit with interest at the rate of 12% in the name of the above

Society. Thereafter, issued Fixed Deposit Receipt with the signature of the 1st accused/Secretary and the official seal of the Society. Thereafter, the accused persons insisted to deposit more amount. Subsequently, the defacto complainant deposited further amounts of ₹4,50,000/- on 07.07.2020, ₹3,50,000/- on 08.07.2020, ₹5,10,000/- on 24.08.2020, ₹1,00,000/- on 16.01.2021, ₹1,00,000/- on 21.01.2021, ₹3,00,000/- on 18.02.2022, ₹1,00,000/-on 27.02.2022, and ₹1,00,000/- on 28.02.2022. For the said deposits, the accused persons issued Fixed Deposit Receipts also. The accused persons also compelled the wife of the de facto complainant to deposit money in the Society and accordingly, the wife of the de facto complainant deposited an amount of ₹4,00,000/- on 27.07.2024, ₹6,00,000/- on 29.07.2020, ₹2,00,000/- on

11.02.2021 and ₹8,00,000/- on 23.09.2022. The accused persons issued Fixed Deposit Receipts for the same. Subsequently, the accused persons compelled the de facto complainant to join in two chits of an amount of ₹10,00,000/- each, with pending dues. Pursuant thereto, the defacto complainant remitted an amount of ₹1,50,000/- on 05.08.2020 and joined in a pending chit. The wife of the defcto complainant also paid pending dues of one of the chits amounting to ₹1,40,000/- on 27.08.2020. Subsequently, the de facto complainant asked to return the Fixed Deposits and the amount towards chits and accordingly, the accused persons issued a cheque bearing No. 013011 for an amount of ₹5,02,972/-, drawn on the accused of the Society in the Kerala State Co-Operative Bank, bearing account No.113412002001839 with the signatures of accused Nos.1 and 2 on 29.01.2025, with the knowledge that the bank account having no sufficient fund to encash the cheque and thereby, the accused persons failed to return the deposited money for an amount of ₹37,85,000/- and chits amount of ₹5,50,000/-. Consequently, the accused persons made an illegal gain for ₹43,35,000/- and caused substantial loss to the de facto complainant and his wife and thus the accused persons committed the above offences.

6. While pressing for grant of anticipatory bail to Sri.Balakrishnan Nair, who involved in these crimes, it is submitted by the learned counsel for the petitioner that the petitioner is a person aged 75 years and he was arrested in connection with several other crimes alleging misappropriation of the same Society. It is further submitted that after a long

period of custody, when he approached this Court, he was released on bail as per Annexure A3 order dated 02.03.2026. According to the learned counsel for the petitioner, since these crimes also registered and investigation commenced during the tenure when the petitioner had been in custody, without recording his arrest for the purpose of investigation, the arrest was deferred with a view to detain him again in custody. As per Annexure A3 order, when the petitioner was released on bail, he had already completed 74 days in custody. It is submitted further that the petitioner is ready to co-operate with the investigation and therefore, he may be released on anticipatory bail, with a direction to the investigating officer may question him and he is ready to co operate with the same.

7. The learned Public Prosecutor zealously opposed grant of anticipatory bail on the submission that the petitioner is not co-operating with the investigation and in the earlier occasions also, he failed to co-operate with the investigation. Therefore, the investigation in these offences involving lakhs of rupees would be hampered if he would be granted anticipatory bail without giving the Investigating Agency an opportunity to interrogate him and to effect recoveries at his volition, and also to investigate upon how the misappropriated money was utilised. Therefore, grant of anticipatory bail would defeat the purpose of investigation.

8. In Crime No.1750/2025, the history of the case has been narrated in paragraph Nos. 5 to 13 which reads as under:

> *"5. It is submitted that the case was registered on the strength of the statement of Mayan KS on 30.10.2025 by the Shabna M, Sub Inspector of Police, Kollam West*

Police Station. Kollam City and the FIR was submitted to the Hon'ble Judicial First Class Maistrate III, Kollam and the later the FIR and other records of the case was transferred to the Hon'ble Third Additional District Court, Kollam since the offences under section of Prevention of Corruption (Amendment) Act was seen committed.

6. It is submitted that subsequently the preliminary investigation of the case was being carried out by the Sub Inspector of Police, Kollam west Police Station and later the Investigation of the case was transferred to Assistant Commissioner C-Branch, Kollam City and my predecessor Sri.Binu Sreedhar, the then Assistant Commissioner of Police C-Branch, Kollam City took the Investigation of the case on 11.11.2025 and arrested the 1st accused on 17.12.2025 and conducted investigation in her presence and 1st accused were sent to Judicial Custody and subsequently the 1st accused was enlarged on ball on 01.01.2026. Subsequently similar 26 cases were also investigated by the then Assistant Commissioner, C Branch, Kollam City and the petitioner herein the ball application r was arrested in crime

1289/2025 U/s 409, 420 and 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w. 21, 4 r/w. 22 and 5 r/w. 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station and similar other cases and later enlarged bail by the Hon'ble High Court vide order BA No 857/2026 dated 02.03.2026.

7. It is submitted that subsequently I took the investigation of the case on 16.02.2026 and conducted Investigation along with similar 26 other cases. During the investigation the defacto complainant produced Six FD receipts on cheque and the same were seized on a Inventory on 06.04.2026 and submitted to the Hon'ble Third Additional District and Sessions Court, Kollam.

8. It is submitted that subsequently search were conducted in a similar case in crime 1288/2025 U/s 409,420,34 IPC & Sec 21 r/w 3, 22 Gamma / w 4,23 r/w 5 of the Buds Act & Sec 13(1)(a) r/w.13(2) of Prevention of Corruption (Amendment) Act of Kollam West Police Station in the house of the 1st and 2nd accused to seize missing records of the Co Operative Society and no *records were found. However a wedding album having photos of the marriage of the 1st accused was seized since the photos shows that the daughter of the 1st accused wore nearly 100 sovereign of gold ornaments at the time of marriage and two mobile phones of the 2nd accused were seized and sent to Forensic Science Laboratory Examination through the Hon'ble Court.*

9. It is submitted that subsequently notice under section 35(3) of BNSS was served to the 2nd accused, the petitioner herein the bail application and summoned on 16.03.2026. 2nd accused was questioned in the presence of the 1st accused and the 1st accused confessed that 1st accused went on long leave on 07.05.2025 after submitting leave application to the 2nd accused, the petitioner and the same was granted by the him. 1st accused also confessed that at the time of relieving the key of the Co Operative Society was handed over to the 2nd accused, the petitioner and it was the 2nd accused who took away the records form the Society.

10. It is submitted that the petitioner involved in the following similar crime cases of Kollam west police

Station.

1. *Crime 1271/2025 U/s 316(2), 318(4), 3(5) BNS and Section 13(1)(a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w. 21, 4 r/w. 22 and 5 r/w. 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
2. *Crime 1176/2025 U/S 406, 420,465,468,471, 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
3. *Crime 1288/2025 U/s 409, 420 and 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019of Kollam West Police Station.*
4. *Crime 1289/2025 U/s 409,420 and 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme*

Act 2019of Kollam West Police Station.

5. *Crime 1291/2025 U/s 409,420 and 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019of Kollam West Police Station.*
6. *Crime 1292/2025 U/s 409,420, 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
7. *Crime 1293/2025 U/s 409,420 and 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
8. *Crime 1294/2025 U/s 316(5), 318 (4) 3(5) of BNS and Section 13(1)(a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police*

Station.

9. *Crime 1295/2025 U/s 409,420 and 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
10. *Crime 1296/2025 U/s 409,420 and 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
11. *Crime 1299/2025 U/409,420 and 34 IPC and Section 13(1)(a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
12. *Crime 1305/2025 U/s 316(5), 318 (4) 3(5) of BNS and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police*

Station.

13. *Crime 1324/2025 U/s 409 and 420, 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
14. *Crime 1334/2025 U/s 409 and 420, 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
15. *Crime 1327/2025 U/s 409 and 420, 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019of Kollam West Police Station.*
16. *Crime 1758/2025 U/s 409 and 420, 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*

17. *Crime 1262/2025 U/s 409, 420 and 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
18. *Crime 1263/2025 U/s 409, 420 and 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
19. *Crime 1264/2025 U/s 409, 420 and 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
20. *Crime 1268/2025 U/s 409, 420 and 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
21. *Crime 1269/2025 U/s 409 and 420,34 IPC and*

Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.

22. *Crime 1270/2025 U/s 316(2), 318(4), 3(5) of BNS and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
23. *Crime 1274/2025 U/s 409, 420, 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
24. *Crime 1281/2025 U/s 409,420, 34 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.*
25. *Crime 1332/2025 U/s 409,420, 34 IPC and Section*

13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.

26. 1085/2025 U/s 406,409,420,465,468,471 IPC and Section 13(1) (a), 13(2) of Prevention of Corruption Amendment Act and Section 3 r/w 21, 4 r/w 22 and 5 r/w 23 of Banning of Unregulated Deposit Scheme Act 2019 of Kollam West Police Station.

11. It is submitted that a case in crime 1085/2025 U/s 406, 409, 420, 465, 468, 471 IPC of Kollam West Police Station was registered on the basis of the statement of the petitioner herein the bail application by the Sub Inspector West Police Station on 24.06.2025. Subsequently a search was conducted at the Co Operative Society by the Sub Inspector of Police, Kollam West Police Station on 28.07.2025 and seized minutes book and bylaw of the society, old registers, seals of the society, attendance register, service book of the 1st accused, duplicate pass book etc were seized. However

Day Book, Cash book, Fixed Deposit Register, Counter foil of the Fixed Deposit Register, Loan Register etc of the period of occurrence were not found in the Co Operative Society. During the investigation it is revealed that 1st accused, the secretary of the bank was availed 10 days leave on 07.05.2025 by the 2nd accused, the petitioner herein the bail application and then the key of the society was handed over to the 2nd accused, the petitioner herein the bail application.

12. Subsequently more Investigation was conducted to seized missing registers from the society, notice U/s 35 (3) of BNSS was served to 1st and 2nd accused and summoned both 1st and 2nd accused on 16.03.2026 and questioned both accused together and 1st accused confessed that she handed over the key of the Co Operative Society to the 2nd accused, the petitioner while she went on leave but the 2nd accused refused the same though the 2nd accused agreed that he received and granted leave application of the accused. The leave application of the 1st accused was seized on an Inventory and submitted to the court.

13. Subsequently audit reports of the Co Operative Society during the year 2014-2015 to 2023-2024, Enquiry report under section 65 of Co Operative Act dated 20.11.2024 were obtained from the Co Operative Department. Also obtained bank account statement of the Co Operative Society in the Kerala bank bearing account number 113412002001839 during the period from 28.02.2015 to 22.03.2026. On verification of the bank account statement of the Co Operative Society in the Kerala bank bearing 113412002001839 only a transaction of an amount of rupees 50,52,518.16/- seen made in this account from 28.02.2015 to 22.03.2026 but as per the Enquiry report under section 65 of Co Operative Act dated 20.11.2024, an amount of rupees 97,60,000/- was received in the financial year 2023-2024 itself by the Co Operative Society. However the above said deposits were not reflected in the account of the Kerala Bank. On verification of the account statement of the Co Operative Society in Kerala Bank, it is also revealed that remaining balance in the account as on 22.03.2026 is only Rs.46,789.32/- and the cheques submitted in the account *for withdrawal were found rejected more than 47 times due to insufficient balance in the account and fine was seen imposed by the Kerala Bank against the Society for the same. As per the byelaw of the Co Operative Society only an amount of rupees 1000/- can be kept in hand of the Secretary and there are provisions in the bylaw for levying penal charges against Secretary of the Society if keeping more than 1000/- rupees In hand. The minutes Book of the Society during the period clearly reveals that the decisions were taken collectively taken by the 1st and 2nd accused, the President and the Secretary of the Co Operative Society along with other board members and the 2nd accused, the petitioner herein the bail application is fully aware of the fixed deposits received by the Co Operative Society during the period of occurrence and the 1st and 2nd accused misused the huge amount of the fixed deposits received from the depositors and cheated the Co Operative Society and the defacto complainant. In this regard, the petitioner herein the bail application was deleted from status of defacto complaint of the Case in crime 1085/2025 and he was arrayed as 2nd accused in* *the crime case.*

9. The reasons for denying the anticipatory bail to the accused are stated in paragraph No.14 of the report, which reads as under:

> *"14. If the 2nd accused, the petitioner herein in the bail application is granted anticipatory bail,*
>
> *1. It is submitted that during the investigation it is revealed that 1st accused went on leave on 08.05.2025 after handing over the key of the Co Operative Society to the 2nd accused, the President of the Co Operative Society who is the petitioner herein the bail petition and thereafter the 1st accused not returned to Society for joining duty. During the investigation it is also revealed that Day Book, Fixed Deposit Register, Counter foil of the Fixed Receipts and Chits Register of the Co Operative Society were found missing and the same could not be found out so far since the 2nd accused the petitioner herein the bail application refused to cooperate with the investigation and*

hence more investigation is necessary to seized such relevant documents hence arrest and custodial interrogation is necessary to seize the missing records.

2. *After seizure of the above said records, it is necessary to collect specimen writings of the accused and then to compare the same with the seized records at Forensic Science Laboratory for the evidence of the case.*
3. *Since the accused persons is not being corporate with the investigation the amount obtained by cheating could not be traced out so far. Hence arrest and custodial interrogation is necessary to trace out and seize the amount cheated by the accused.*
4. *There is every possibility to intimidate or induce independent the witnesses for not disclosing the fact before the Investigating officer or trial court.*
5. *There is every possibility to tamper with the evidences.*

6. *The accused will abscond and will not co operate with the investigation or attend the trial court.*
7. *There is every possibility to repeat the same offences.*
8. *It will take more time to complete the investigation and final report the case.*

10. Similar contentions seen reiterated in the reports filed by the Investigating Officer in other crimes also while opposing bail.

11. On perusal of the case diary along with the report, it could be gathered that in Crime No.1750/2025, the allegation is that an amount of ₹13,05,000/- was misappropriated. Similarly, in Crime No.1291/2025, the allegation is misappropriation of ₹5,00,000 and in crime No.1176/2025, the allegation pertains to misappropriation of ₹43,35,000/-. Apart from this, Sri.Balakrishnan Nair has involvement in 26 crimes of similar

nature, thereby he had misappropriated crores of rupees. While considering the question of anticipatory bail in serious crimes of this nature, detention of the accused in similar crime has no relevance, as arrest, custodial interrogation etc. in each crime are essential to effectuate the investigation of that particular crime meaningfully to accomplish successful prosecution. In such situation, the apprehension expressed by the learned Special Public Prosecutor and the reasons canvassed for dismissing the anticipatory bail plea are having force and therefore, grant of anticipatory bail cannot be considered. Hence, these petitions are dismissed with direction to Sri.Balakrishnan Nair to surrender before the Investigating Officer forthwith, failing which the Investigating Officer is directed to proceed against him as per law, without fail, ensuring effective investigation of these serious crimes.

Sd/-
A. BADHARUDEEN,
JUDGE

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