

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

WEDNESDAY, THE 3RD DAY OF JANUARY 2024 / 13TH POUSHA, 1945

BAIL APPL. NO. 6290 OF 2023

CRIME NO.0292/2023 OF PATTAMBI POLICE STATION, PALAKKAD

PETITIONER:

SUMESH K
AGED 45 YEARS
S/O. SUKUMARAN RESIDING AT KOTTAYIL HOUSE,
SANKARAMANGALAM, PATTAMBI, PALAKKAD DISTRICT, PIN
- 679303

BY ADV S.SOUMYA ISSAC

RESPONDENT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031
- 2 STATION HOUSE OFFICER
PATTAMBI POLICE STATION, PALAKKAD DISTRICT, PIN -
679303
- 3 KLM AXIVA FINVEST LTD (IMPEADED)
REPRESENTED BY ITS MANAGER 1ST FLOOR, KAIRALI
TOWER, ABOVE FEDERAL BANK, MELE PATTAMBI,
PALAKKAD DISTRICT (IMPEADED AS R3 AS PER ORDER
DTD 18/9/2023 IN CRL MA 1/23 IN BA 6290/23)

BY ADVS.
FOR R1 AND R2 BY SRI. T. JAYAN, PUBLIC PROSECUTOR
FOR R3 BY DILEEP S KALLAR S

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
03.01.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER

The petitioner is the accused in crime No.292/2023 of Pattambi Police Station which was registered for the offence punishable under Section 420 of the Indian Penal Code.

2. The prosecution case is that, on 14.11.2022 at about 17.15 p.m. the petitioner came to the branch of the defacto complainant which is a financial establishment named 'KLM Axiva Finvest Ltd.' at Pattambi and pledged spurious gold thereby obtained a gold loan for Rs.1,82,000/-. The crime was registered in such circumstances and as the petitioner apprehended arrest in connection with the investigation of the said case, he approached this Court earlier by filing an anticipatory bail as B.A. No.4255/2023. The said application was dismissed as per Annexure-A2 order taking note of the fact that there were specific allegations and materials against the petitioner. This is the second application submitted by him.

3. In this application, apart from the fact that some time have elapsed since the date of the dismissal of the earlier application, nothing was highlighted as to the change in circumstances warranting entertainment of this application. It is a

well settled position of law that, a second application for anticipatory bail can be made only in exceptional circumstances where the change in circumstances or change in legal proposition. In this case, no such situation is in existence.

Therefore, I do not find any merit in this application and accordingly it is dismissed.

Sd/-

**ZIYAD RAHMAN A.A.
JUDGE**

ncd