

IN THE HIGH COURT OF KERALAAT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF DECEMBER 2013/3RD POUSHA, 1935

Bail Appl..No. 8717 of 2013 ()

AGAINST THE ORDER IN OS 112/2010 of SUB COURT,THODUPUZHA

AGAINST THE ORDER IN OS 44/2009 of SUB COURT,THODUPUZHA
CRIME NO. 1674/2013 OF MUNNAR POLICE STATION , IDUKKI

PETITIONERS/ACCUSED:

1. PONNAMMA, AGED 56 YEARS
W/O.LATE SIVAN, MALIL HOUSE, MANKULAM KARA
MANKULAM VILLAGE, DEVIKULAM TALUK.
2. JIBU, AGED 32 YEARS
S/O.LATE SIVAN, MALIL HOUSE, MANKULAM KARA
MANKULAM VILLAGE, DEVIKULAM TALUK.
3. GINI, AGED 34 YEARS
D/O.LATE SIVAN, MALIL HOUSE, MANKULAM KARA
MANKULAM VILLAGE, DEVIKULAM TALUK.

BY ADVS.SRI.T.KRISHNAN UNNI (SR.)
SMT.P.A.SHEEJA

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-12-2013,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

.....
B.A. No.8717 of 2013
.....

Dated this the 24th day of December, 2013

O R D E R

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Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 3 in Crime No.1674/2013 of Munnar Police Station registered for the offences punishable under Sections 120(b), 447, 468, 465 and 420 read with Section 34 IPC.

3. The allegation against the petitioners is that they have forged false and fabricated title deeds in respect of the property of the de facto complainant and obtained a bank loan and have attempted to obtain compensation from the Kerala State Electricity Board in respect of the said property.

4. It seems that the crime has been registered on

the basis of order dated 05.12.2013 passed by this Court in W.P.(C) No.19605/2013.

5. Heard the learned counsel for the petitioners and the learned Public Prosecutor. According to the learned counsel for the petitioners, the petitioners had no notice about the above said writ petition and the petitioners were not heard in the matter.

6. The learned counsel for the petitioners has pointed out that originally there was a civil suit filed by the late husband of the first petitioner, who is the father of petitioners 2 and 3, for injunction against forcible eviction from the said property as against the de facto complainant, and the suit was decreed, and the appeal filed by the de facto complainant was also dismissed. Later, the de facto complainant filed a suit for recovery of possession based on title and it was decreed, on which a Regular First Appeal is pending before this Court. It is also pointed out that the late husband of the first petitioner had obtained a deed of

assignment from the actual title holder of the property, based on which a suit has been filed for declaration in the year 2010 and the same is pending before the Subordinate Judge's Court, Thodupuzha. It has been further pointed out that a third party is also claiming title over the property and filed a suit for declaration of title in 2009 and the same is also pending. It is evident that the title in respect of the property is still in question, and the same has not been finally adjudicated and decided.

7. The learned Public Prosecutor has pointed out that the crime has been registered recently and the custodial interrogation of the petitioners may not be required for the continued investigation of this Court and at the same time, the petitioners have to co-operate with the investigation. On hearing either side and considering the facts and circumstances of the case and also the pendency of various Civil litigations in the matter, I am of the view that this is a fit case wherein anticipatory bail can be granted to

the petitioners.

8. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Tuesdays, commencing from 31.12.2013 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The petitioners shall not involve in any

BA.8717/2013

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offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/24/12

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PA to Judge