

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Bail Appl..No. 70 of 2015

**CRIME NO. 1322/2014 OF CHIRAYINKEEZHU POLICE STATION ,
THIRUVANANTHAPURAM**

PETITIONER(S)/7TH ACCUSED :

**ASHA.D, AGED 55 YEARS,
D/O.LILLY, G.S.BHAVAN, AYALLAM,
MUDAKKAL VILLAGE, ATTINGAL, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.BLAZE K.JOSE
SRI.RAHUL SASI**

RESPONDENT(S)/COMPLAINANTS :

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN- 682 031.**
- 2. SUB INSPECTOR OF POLICE,
CHIRAYINKEEZHU POLICE STATION, PIN-695 101.**

BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

B.A.No.70 of 2015

Dated this the 18th day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the 7th accused in Crime No.1322/2014 of Chirayinkeezhu police station registered for the offences punishable under Sections 452, 427, 395 and 365 read with Section 34 of the I.P.C.

3. It is alleged that accused 1 to 9, on 11.11.2014 at 3 p.m., trespassed into the house of the de-facto complainant, committed mischief at the house, by destroying the furniture and utensils in the kitchen, and committed dacoity by taking away the household articles by two autorikshaws, and abducted the husband of the de-facto complainant.

4. Heard learned counsel for the petitioner and learned Public Prosecutor.

5. The learned counsel for the petitioner has argued that the petitioner has no connection with the incident allegedly occurred at the house of the de-facto complainant. There was a marriage proposal of the son of the petitioner with the elder sister of the de-facto complainant. After the engagement, they were in frequent contacts and while so, it is alleged that the mother of the de-facto complainant had approached the petitioner and requested for a temporary loan of Rs.2,00,000/- by agreeing that the same would be repaid prior to the marriage. The petitioner gave 10 sovereigns of gold ornaments and an amount of Rs.50,000/- Subsequently, the petitioner came to know that the mother of the de-facto complainant had obtained huge amounts from several other persons and the same were not returned. On coming to know about it, the petitioner demanded the mother of the de-facto complainant

to return the amount and gold ornaments. She was not ready to return the gold ornaments and money. When the petitioner insisted the mother of the de-facto complainant to return the amount and gold ornaments, the mother of the de-facto complainant had issued Annexure - 1 cheque for Rs.2,00,000/- to the petitioner, which on presentation returned dishonoured and consequently, Annexure - 2 lawyers notice dated 18.11.2014 was issued. As the amount was not paid, a complaint under section 138 of the N.I. Act, was also filed before the learned Magistrate's Court, Attingal, which is still pending as a calender case. It was also pointed out that Annexure - 3 complaint was preferred on 11.11.2014 by the petitioner along with another woman, who is the 8th accused in the crime, to whom also the mother of de-facto complainant owes an amount of Rs.1,25,000/-. The cheque was presented and the same was dishonoured on 31.10.2014. According to the learned counsel for the petitioner, when the mother of the de-facto complainant was

attacked by somebody, to whom the mother of the de-facto complainant owes amounts, she is attempting to trap the petitioner and two others, who were not connected with the incident, in the present case. In the First Information Statement, name of the petitioner herein is not mentioned. On going through the documents produced by the petitioner and on hearing the submissions of the learned counsel for the petitioner, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of her arrest on her executing a bond for Rs.25,000/- (Rupees twenty five 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 petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 25.2.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) The petitioner shall not involve in any 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

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PA to Judge