

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Bail Appl..No. 247 of 2015 A

CRIME NO. 477/2008 OF VALANCHERY POLICE STATION , MALAPPURAM

PETITIONERS/ACCUSED NOS.12 & 13:

1. ABBAS, AGED 55 YEARS  
S/O.MOHAMMED, CHEKIDAN KUZHIYIL HOUSE  
KATTIPARUTHY VILLAGE, PAIKANNUR, TIRUR TALUK  
MALAPPURAM DISTRICT.
2. K.MOHANAN, AGED 50 YEARS  
S/O.NANU NAIR, KALATHIL HOUSE, KATTIPARUTHY VILLAGE  
PAIKANNUR, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT/STATE & COMPLAINANT:

1. THE STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM.
2. SUB INSPECTOR OF POLICE,  
VALANCHERRY POLICE STATION, MALAPPURAM DISTRICT.

R BY PUBLIC PROSECUTOR, SMT.LALIZA T.Y.

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

**B.KEMAL PASHA, J.**

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B.A.No.247 of 2015 A  
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Dated this the 2<sup>nd</sup> day of February 2015

**ORDER**

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.12 and 13 in Crime No.477/2008 of Valanchery Police Station, Malappuram district registered for the offences punishable under Sections 424, 468 and 120(b) of the Indian Penal Code.

3. A property was purchased by Muhamadali, who is the husband of the de-facto complainant from one Muhammad. After the death of Muhammad, his legal heirs, who are accused Nos.1 to 9, hatched a criminal conspiracy to create false documents in respect of the property for effecting the sale of the property once again for making undue enrichment and wrongful gain. It is

alleged that they had executed a sale deed in respect of the said property once again in favour of accused Nos.10 and 11, who in turn by furnishing the said property as security before the Kuttipuram Service Co-operative Bank, availed a loan of Rs.4,00,000/- from the said Co-operative Bank, thereby defrauded and cheated the Co-operative Bank. The allegation against the petitioners is that they are document writers and they have knowingly aided the other accused to execute the said false documents.

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

5. No criminal antecedents have been reported against the petitioners. There are no materials to show that the petitioners were part of the conspiracy and they were aware of the fact that earlier any such document was executed. It has been reported that most of the other accused in the crime were granted anticipatory

bail. Considering the facts and circumstances of this case, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

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 petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them 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 petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays, commencing from 9.2.2015 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 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*