

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Bail Appl..No. 601 of 2015

CRIME NO. 528/2013 OF HOSDURG POLICE STATION , KASARGOD DISTRICT

PETITIONER(S)/ACCUSED 1 :

THANVEER AHAMED, AGED 26 YEARS,
S/O.SHAHUL HAMEED THAHA, VALIYAVILAYIL VEEDU,
KUSHAL NAGAR, KANHANGAD, HOSDURG, KASARGOD,
NOW, RESIDING AT KMV V.19C, NELLIKKAT, BALLA VILLAGE,
P.O BALLA, HOSDURG TALUK, KASARGOD

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN

RESPONDENT(S)/STATE :

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031,
(CRIME NO.528/2013 OF HOSDURG POLICE STATION,
KASARGOD DISTRICT)

* ADDITIONAL R2 IMPEADED

2. NASEEM, AGED 48 YEARS,
W/O.MUHAMMED ILIYAS, KAITHAKKEPARAMBIL,
KODUNGALLUR P.O, ANCHAPPALAM.

* ADDITIONAL R2 IS IMPEADED AS PER ORDER DATED 02.03.2015 IN
CRL.M.A.NO.1111 OF 2015.

R1 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH
R2 BY ADVS. SRI.VIPIN NARAYAN
SRI.V.C.SARATH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Msd.

B. KEMAL PASHA, J.

.....
B.A. No.601 2015
.....

Dated this the 2nd day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.528/2013 of Hosdurg Police Station registered for the offences punishable under Sections 420, 406 and 120B IPC and Section 15(3) of the Indian Medical Council Act.

3. After making a false representation that the petitioner was a Post Graduate in Orthopedics and had obtained MS Degree in it, he had entered into a contract of marriage with the de facto complainant woman by obtaining an amount of ₹20 lakhs and 300 sovereigns of gold ornaments. Within a short period, the entire gold ornaments were taken away by the petitioner and his mother and some of those gold ornaments were disposed of and a good quantity of the balance gold ornaments were pledged in

three banks for huge amounts. After misappropriating her entire gold ornaments and money, she was tortured to the maximum, by demanding more dowry. He has never obtained any degree in Orthopedics and he is not even a medical graduate at all. In fact, on a false representation that he had acquired MS Orthopedics Degree, he had practised at a hospital as Orthopedist. His formal arrest has been recorded in this case on 16.01.2015 while he has been undergoing detention in Crime No.511/2013 of Hosdurg Police Station registered for the offences punishable under Sections 341, 323, 506(i) and 498A read with Section 34 IPC.

4. Heard learned counsel for the petitioner, learned counsel for the de facto complainant and the learned Public Prosecutor.

5. The learned counsel for the de facto complainant has pointed out that once the petitioner was enlarged on bail and thereafter, he was absconding and subsequently, he

has surrendered on 09.01.2015 in Crime No.511/2013. The learned counsel for the petitioner submits that the petitioner has undertaken to settle the matter within a short span of time on his enlargement of bail and the pledged gold ornaments can be obtained and released within a short span of time. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the possible chance of settlement in the matter, I am satisfied that the petitioner can be enlarged on bail on strict conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) Both the sureties shall produce solvency certificates for ₹1,00,000/- each before the court below.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays commencing from 09.03.2015 for a period of six months.

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

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(v) 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)

aks/02/03

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PA to Judge