

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No. 1317 of 2015 ()

**CRIME NO. 1685/2014 OF VENJARAMOODU POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**

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PETITIONER/ACCUSED NO.1:

**SURENDRAN, S/O.SADANANDAN,
AGED 52 YEARS, THUNDUVILAKATHU VEEDU,
MANIKKAL VILLAGE, KOLIYAKODE P.O.,
VENJARAMOODU, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.K.C.SANTHOSHKUMAR,
SMT.K.K.CHANDRALEKHA.**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE 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 23-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A.No.1317 of 2015

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Dated this the 23rd day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the 1st accused in Crime No.1685 of 2014 of the Venjaramoodu Police Station which is transferred and re-registered as Crime No.145 of 2015 of the Vattappara Police Station, for the offences punishable under Sections 195, 120B, 463, 464 and 420 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that by styling himself as the son of deceased Kunjukrishnan, he transferred the property of deceased Kunjukrishnan in favour of A2 and A3, who are the children of the petitioner through a settlement deed. It is alleged that the defacto complainant as well as the

petitioner are the nephews of deceased Kunjukrishnan.

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

5. The learned counsel for the petitioner has pointed out that the property was in fact bequeathed by Kunjukrishnan in favour of the petitioner through an unregistered Will, and that the petitioner was the adopted son of Kunjukrishnan. It was Kunjukrishnan, who allegedly brought up the petitioner and the petitioner was being treated just as his son. It is argued that even without mentioning that the petitioner is the son of Kunjukrishnan, the petitioner had title over the property on the basis of Annexure-D Will. The dispute between the parties seems to be more or less civil in nature. If at all the Will is not genuine or the petitioner is not the adopted son of late Kunjukrishnan, the defacto complainant will be able to maintain a civil suit in respect of the property. I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. No criminal antecedents have been reported against the petitioner. Considering all the above, I am of the view that this is a fit

case wherein anticipatory bail can be granted to the petitioner.

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 his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) Petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Mondays and Thursdays commencing from 30.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) 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

DSV/23/3/15

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P.A. To Judge