IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

Bail Appl..No. 1489 of 2015 ()

PETITIONER(S):

GEETHA, W/O.PRASAD, AGED 39 YEARS,
KOCHUPARAMBIL HOUSE, AMAYANNOOR,
AYMANAM P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.T.K.AJITHKUMAR (VALATH).

RESPONDENT(S):
----

1. STATE OF KERALA,
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA.

2. CIRCLE INSPECTOR OF POLICE,
   KADUTHURUTHY, KOTTAYAM DISTRICT.

3. CIRCLE INSPECTOR OF POLICE,
   ETTUMANOOR, KOTTAYAM DISTRICT.

* ADDL. R4 IMPLEADED

4. THANKAMMA BHASY, AGED 50 YEARS,
   W/O.BHASY, VENGINIKKAL HOUSE,
   OMALLUR, KOTHANALLUR VILLAGE,
   KANJIRATHANAM P.O., KOTTAYAM-686 603.

* ADDL. R4 IS IMPLEADED AS PER ORDER DATED 07/08/2015
IN CRL.MA. NO.6283/2015.

R1 TO R3 BY PUBLIC PROSECUTOR SRI.GIKKU JACOB.
ADDL. R4 BY ADV. SRI.M.S. VINEETH.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rs.

K.ABRAHAM MATHEW, J.

B.A.No.1489 of 2015

Dated this the 7th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sections 419,420 and 506 IPC. She is the 1st accused.

3. The prosecution case is this: The 1st informant runs an Ashramam and she supervises the activities of a temple. The petitioner knew that the 1st informant had with her Rs.50 lakh she had received as sale consideration of a property. The former made the latter believe that one Fr Benny had formed a trust for doing charitable activities and the trust would get Rs.52 Crores from foreign countries and if the 1st informant gave Fr Benny a loan of Rs.35 lakh to meet the initial expenses of the trust the priest would give her Rs. 1 Crore for renovation of the temple after he received the amount from foreign countries. Believing her words the 1st informant gave her Rs.35 lakh. But there was no repayment as promised by the petitioner. Later, the 1st informant gave her Rs.12 lakh as a loan taking a demand promissory note as security. Out of the said amount the petitioner paid Rs.5 lakh to the 2nd accused. Thereafter, taking post dated cheques as security the 1st informant paid the petitioner Rs.16 lakh, 7 lakh, Rs.2,40,000/- and Rs.1 lakh on various

occasions. The total amount thus paid is Rs.70,40,000/-. It was later revealed that in the promises made by the petitioner were false. The persons she brought to the 1st informant were not priests or any one connected with any trust. When the 1st informant demanded repayment of the amount the petitioner sent the 3rd accused to threaten her.

4. It is very strange that even the dates on which or the month or the year in which the transactions took place are mentioned in the complaint. One year is mentioned in it, i.e the year 2013 in which the 1st petitioner allegedly lent Rs.12 lakh to the petitioner. The amount of Rs.35 lakh the 1st informant allegedly paid to the petitioner was out of the sale consideration on Rs.50 lakh she had received. Pursuant to the direction issued by me the 1st informant who appeared through a counsel produced the sale deed. The sale deed shows that the total sale consideration was only Rs.13,88,000/-. There is no explanation for the false statement in the complaint. Though the transactions allegedly took place in or before 2013 the complaint was filed only in February 2015. This also is a very suspicious circumstance. Having regard to the facts mentioned above, it is only proper that the petitioner is granted anticipatory bail.

In the result, this application is allowed.

i) The petitioner shall be released on bail after interrogation on her executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum if she is arrested by the Police in connection with this case.

ii) She shall appear before the investigating officer for interrogation if she is so required by him in writing.

iii) She shall surrender her passport before the lower court concerned or if she does not have one he shall file an affidavit to that effect within five days of his release.

iv) She shall not get herself involved in any other criminal case while she is on bail.

v) She shall not destroy or tamper with evidence.

vi) She shall not intimidate or attempt to influence the witnesses.

If she surrenders before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

K.ABRAHAM MATHEW
JUDGE

pm