IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE SUNIL THOMAS

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Bail Appl..No.1526 of 2015

CRIME NO.1006/2012 OF ATTINGAL POLICE STATION,THIRUVANANDAPURAM.

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PETITIONER/3RD ACCUSED:

SUCHITHRA,AGED 30 YEARS,W/O.SANIL KUMAR,
RESIDING AT ANATTU BUILDING,NEAR RAILWAY CROSS,
PUNNAMUDA DESOM,AYIROOR VILLAGE,
THIRUVANANTHAPURAM DISTRICT,
ALSO HAVING ADDRESS AT "REVATHY",EDAYAKKODE,
THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.R.MANOJ
SMT.SINDHU MANOJ
SMT.P.P.BLESSY MOL

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,
(ON BEHALF OF SUB INSPECTOR OF POLICE,
ATTINGAL POLICE STATION).

BY PUBLIC PROSECUTOR SMT.MADHUBEN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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SUNIL THOMAS, J.

B.A. No. 1526 of 2015

Dated this the 13th day of July, 2015

O R D E R

This application for Anticipatory Bail is filed by the 3rd accused in Crime No. 1006/2012 of Attingal Police Station for offences punishable under Sections 191, 405, 420, 423 and 425 of I.P.C.

2. The defacto complainant is a Bank which filed a complaint before the Magistrate Court invoking the above provisions. It was alleged that the 1st accused, who is the husband of the petitioner herein had constituted a proprietary concern and availed a loan from the Bank. Since, he committed default, it became an NPA and thereupon recovery proceedings were initiated. Ultimately, the property was brought for sale. In the meanwhile, it was understood that another concern was floated and the very same property mortgaged on behalf

of that concern and loan availed from another Bank. The *modus operandi* adopted seems to be that, the husband assigned the property in favour of the wife, who thereafter assigned the property again back to the husband and thereby creating documents which allegedly were misused for the purpose of availing two different loans on the same property and thereby cheating both the Banks.

3. The complaint was forwarded by the magistrate to the police who have registered the case. Apprehending arrest, the 3rd accused has sought for pre arrest bail.

4. Heard both sides and examined the records.

5. It is submitted by the learned public prosecutor that in the course of investigation, the 2nd accused was arrested and later granted bail. The 1st accused is the firm represented by the 2nd accused proprietor. The major part of the entire transaction seems to have been carried on by the husband. There are indications to show

that both the transactions were essentially done at the instance of the husband who played the major role and himself assigned the property to the wife. The entire transaction is borne by the record. Whether these transactions were entered into with the intention of committing a criminal act, is a matter to be discerned from the available materials. The essential transactions were borne by either bank records or by registered documents.

In these circumstances, I feel that the role played by the wife seems to be minor though part of a serious crime, and she can be granted bail subject to the following conditions:

1. The Petitioner shall appear before the Investigating Officer on 23.07.2015 between 10 a.m and 11 a.m. She shall undergo interrogation and after interrogation, she shall be released on bail on she executing a bond for a sum of Rs. 75,000/- (Rupees

Seventy Five Thousand Only) with two sureties for the like sum each.

2. She shall appear before the Investigating Officer as and when called for.
3. She shall surrender her passport if she is in possession of it, within a period for one month from today before the Jurisdictional Magistrate and if not, file an affidavit before the Magistrate within that period.
4. She shall not in any manner threaten, coerce or intimidate of the witnesses and shall not interfere with investigation process.

Sd/-
SUNIL THOMAS
JUDGE

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