

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

FRIDAY, THE 17TH DAY OF APRIL 2015/27TH CHAITHRA, 1937

Bail Appl..No. 1880 of 2015 ()

CRIME NO. 1181/2014 OF KAREELAKULANGARA POLICE STATION , ALAPPUZHA

PETITIONER(S)/PETITIONERS/ACCUSED:-:

1. UNNI, AGED 53 YEARS
D/O.DAMODARAN, PUTHUSSERIYIL VEEDU
PATHIYOOR EAST MURI, PATHIYOOR VILLAGE.

2. ARULA DEVI, AGED 47 YEARS
W/O.UNNI, PUTHUSSERIYIL VEEDU, PATHIYOOR EAST MURI
PATHIYOOR VILLAGE.

BY ADV. SRI.A.SHAFAEEK (KAYAMKULAM)

RESPONDENT(S)/STATE:-:

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE
KAREELAKULANGARA POLICE STATION
ALAPPUZHA DISTRICT THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.N.SURESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
17-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.T.RAVIKUMAR, J

B.A.No.1880 of 2015

Dated this the 17th April, 2015

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are the accused in Crime No.1181/2014 of Kareelakulangara Police Station registered for the offences punishable under Section 420 read with 34 IPC. They apprehend arrest in connection with the aforesaid crime. The allegation is that the petitioners with the intention to make unlawful gain malafidely influenced the mother of the 1st petitioner and the husband of the defacto complainant and managed to register settlement deed Nos.589/2013 and 992/2014 of Kareelakulangara SRO in their favour with respect to 5.38 Ares of property and thereby cheated the mother of the first petitioner and the husband of the defacto complainant and committed the aforesaid offences. It is the contention of the

petitioners that subsequently the defacto complainant along with the brother of the first petitioner instituted O.S.No.358/2014 before the Munsiff's Court, Kayamkkulam in respect of the property in question. The suit was instituted on 19.8.2014 and it was thereafter that the complaint which culminated in the registration of the aforesaid crime was filed on 27.10.2014 suppressing the factum of institution of the suit. In fact the said complaint was forwarded for investigation under Section 156(3) Cr.P.C by the Judicial First Class Magistrate Court, Haripad.

3. I have heard learned counsel for the petitioners and also the learned Public Prosecutor.

4. The allegations against the petitioners in the complaint would reveal that the dispute involved in the case partakes the civil nature as well and the defacto complainant has already instituted a suit in respect of the subject matter. Though that by itself is not a ground for non prosecution, I am of the view that this application can be disposed of as follows:

The petitioners shall surrender before Investigating Officer on or before 2.5.2015 between 8 a.m. and 10 a.m. and on their surrender, they shall be interrogated, if necessary, and then, in the event of their arrest they shall be produced before the Magistrate having jurisdiction on the same day itself. If the petitioners move application for bail with notice to the Assistant Public Prosecutor in advance, bail shall be granted to the petitioners with appropriate conditions, on the date of motion itself.

**C.T.RAVIKUMAR
JUDGE**

vgs18/4/15