IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Bail Appl..No. 3133 of 2015 ()

CRIME NO. 1602/2011 OF THEVARA POLICE STATION, ERNAKULAM DISTRICT

PETITIONERS/ACCUSED:
----

1. **MUHAMMED HAJI, AGED 64 YEARS,S/O. HYDRAMAN, THOMMAN VALAPPIL HOUSE, KOTTARAM P.O., VADAKKANCHERRY, THRISSUR DISTRICT.**

2. **AMINA MUHAMMED, AGED 57 YEARS, W/O. MUHAMMED HAJI, THOMMAN VALAPPIL HOUSE, KOTTARAM P.O., VADAKKANCHERRY, THRISSUR DISTRICT.**

BY ADV. SRI.R.ABDUL AHAD

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT. LISHA.M.G.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

sts

SUNIL THOMAS, J.

B.A. No. 3133 of 2015

Dated this the 9th day of July, 2015

<u>O R D E R</u>

The applicants are accused 1 and 2 in Crime No. 1602/2011 of Thevara Police Station, Ernakulam.

2. The allegation of the defacto complainant who is the Manager of the Bank was that both the accused who are husband and wife approached the Bank and availed a home loan facility against the collateral security over a property having an extent of 96 cents in Ranni with a building therein. It is stated that the copies of the passport and the degree certificate were also deposited as documentary proof for the KYC satisfaction. On the basis of the above documents, they availed a loan of ₹78,00,000/-. Subsequently, it was defaulted.

3. On verification it was revealed that the loan was availed under highly suspicious circumstances. It is

alleged by the defacto complainant that the passport and degree certificate which were produced were forged documents. On the basis of the complaint laid, the crime was registered. Apprehending arrest, both the appicants seek pre arrest bail. Heard and peruse the records.

4. A perusal of the case diary indicate that necessary supporting documents have been executed and loan availed by the applicants which were allegedly forged. The degree certificate produced is alleged to be a fraudulent document. Even according to the 1st applicant, he has studied only up to 8th standard. The manner and the mode in which the documents were prepared, the persons involved in the entire transaction, the manner in which the money taken as loan from the Bank were diverted are all matters which calls of detailed investigation.

Considering these facts, I feel that if the bail is granted to applicants at this stage, it may hamper the proper investigation.

Bail application is hence dismissed.

Sd/-

SUNIL THOMAS
JUDGE

ww