

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Bail Appl..No. 4923 of 2015

CRIME NO. 1462/2014 OF KALAMASSERY POLICE STATION.
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PETITIONER(S):

1. PADMAKUMAR @ UNNI, AGED 47 YEARS,
S/O. DIVAKARAN, THANATHUPARAMBIL HOUSE,
JAYANTHI ROAD, MARADU DESOM AND VILLAGE,
KANAYANNUR TALUK.
2. BIJU PAUL, AGED 40 YEARS,
S/O. K.E PAUL, KATTATHARA VEEDU, THADIYOOR P.O,
THOTTUPUZHASSERY VILLAGE, THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.SHERRY J. THOMAS

RESPONDENT:

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

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B.A.No. 4923 of 2015

Dated this the 12th day of August, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused 3 and 4 in Crime No. 1462 of 2014 of Kalamassery Police Station registered for the offences under Sections 406, 420, 34 of the Indian Penal Code and Section 3(1)(iv)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The victims, two in number, belong to a scheduled caste. They had in their ownership a certain extent of property. According to the prosecution, the petitioners approached the victims with a promise that they would get a loan for them from a bank and for that purpose they obtained title deeds of their properties. The 5th accused was a subscriber to a chitty conducted by the KSFE. The accused without the knowledge and consent of the victims, mortgaged their property and thus cheated the victims. This is the prosecution case.

3. Heard both sides.

4. The petitioners have been in custody since 29.07.2015. The amount involved is about Rs.15,00,000/-. The victims are very poor people belonging to a scheduled caste. The facts of the case indicate that the petitioners played an active role in

cheating them. The first petitioner is involved in another case registered for the offences under Sections 406 and 420 of the Indian Penal Code. There is also an allegation that he is involved in yet another case of similar nature though, no case has been registered so far in respect of it. I am satisfied that if they are released on bail at this stage, there is every likelihood of their intimidating or influencing the witnesses. So, this application is only to be dismissed.

In the result, this application is dismissed.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

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P.A. To Judge