

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Bail Appl..No. 5284 of 2015 ()

**CRIME NO. 205/CR/EOW-III/KKD/2014 OF CBCID EOW-III, KOZHIKODE
(CRIME NO. 489/2014 OF MELATTUR POLICE STATION)**

PETITIONER/2ND ACCUSED :

**SUJATHA VIJAYA KUMAR
AGED 57 YEARS, W/O.VIJAYAKUMAR, 4/5412, 'ANUGRAHA'
PANAPANTHAL ROAD, INDUSTRIAL ESTATE P.O.
PUDUPPARIYARAM, PALAKKAD DISTRICT.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S. THAMPI**

RESPONDENTS/STATE & COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, KOCHI-682031.**
- 2. THE SUB INSPECTOR OF POLICE
MELATTUR POLICE STATION, MELATTUR,
MALAPPURAM DISTRICT, PIN – 679 326.**
- 3. THE DEPUTY SUPERINTENDENT OF POLICE
CBCID EOW-III, MALAPPURAM-676 505.**

**R1 TO R3 BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN
DEFACTO COMPLAINANT BY ADVS. SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.V.VINAY**

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

Mn

A. HARIPRASAD, J.

Bail Appl. No.5284 of 2015

Dated this the 9th day of September 2015

ORDER

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.205/CR/EOW-III/KKD/2014 of CBCID EOW-III, Kozhikkode registered for the offences punishable under Secs.420, 468 and 471 read with Sec.34 of the Indian Penal Code.

3. Heard the learned counsel for the petitioner, counsel for the defacto complainant and the learned Public Prosecutor.

4. Annexure-A is the complaint filed by the defacto complainant before the Police chief, Malappuram. 1st accused is the husband of the petitioner. Accused nos.3 and 4 are the children of accused nos.1 and 2. It is alleged in the complaint that the 1st and 2nd accused made the defacto complainant believe that they have a big business empire at Chennai and sought financial help as they suffered a set back in connection with his income tax

raid. Believing the words of the accused persons, the defacto complainant advanced money. There appears to be serious disputes regarding the return of money between the first accused and the defacto complainant.

5. Learned counsel for the petitioner submitted that the first accused was arrested in various other cases connected to this incident and he was in custody for a long time. Accused nos.3 and 4 are enlarged on pre arrest bail under Sec.438 Cr.P.C. as per order in B.A.No.2573 of 2015. According to the learned counsel for the petitioner, custodial interrogation of this petitioner is also not necessary, even going by the allegations in Annexure-A complaint.

6. Learned counsel appearing for the defacto complainant submitted that the petitioner was also a party in deceiving the defacto complainant. According to him, in spite of granting anticipatory bail to the accused 3 and 4, they are not co-operating with the investigation.

7. Learned Public Prosecutor opposed the bail application contending that money obtained from the

defacto complainant was parked in the account maintained by the petitioner.

Considering the entire facts and circumstances, following directions are issued.

1. The petitioner shall appear before the investigating officer within two weeks and submit herself for interrogation. Thereafter, she shall be released by the investigating officer on her executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating officer.

2. The petitioner shall appear before the investigating officer as and when directed for interrogation.

3. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall she tamper with the evidence.

4. The petitioner shall co-operate with investigation of the case.

5. The petitioner shall not involve in any other offence during the period of bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS

P.A. To Judge