

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Bail Appl..No. 5471 of 2015 ()

CRIME NO. 878/2015 OF TANUR POLICE STATION , MALAPPURAM DISTRICT

**PETITIONER(S)/ACCUSED IN CRIME NO 878 OF 2015 OF TANUR POLICE STATION,
MALAPPURAM DISTRICT:**

- 1. BASHEER, S/O. HAMSA, AGED 48 YEARS,
WORKING IN SAUDI ARABIA,
PERMANENTLY RESIDING AT KOOTUMOOCHI HOUSE,
TANUR P.O., MALAPPURAM DISTRICT.**
- 2. ABDUL RASHEED, S/O. HAMSA, AGED 44 YEARS,
KOOTUMOOCHI HOUSE, MEENADATHOOR P.O.,
MALAPPURAM DISTRICT.**
- 3. JAMEELA, W/O. BASHEER, AGED 42 YEARS,
PERMANENTLY RESIDING AT KOOTUMOOCHI HOUSE,
TANUR P.O., MALAPPURAM DISTRICT**

**BY ADVS.SRI.NIRMAL V NAIR
SRI.ANEESH JOSEPH
SRI.RILGIN V.GEORGE**

RESPONDENT :

**STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HGIH COURT OF KERALA, KOCHI -682 031**

BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

RAJA VIJAYARAGHAVAN.V. J

B.A.5471 of 2015

Dated 14th October, 2015

ORDER

1. This is a petition filed u/s 438 of the Code of Criminal Procedure.
2. Petitioners are accused Nos.1 to 3 in Crime No.878 of 2015 of Tanur police station, Malappuram District. The said case has been registered against the petitioners for offence punishable u/s 420 r/w S.34 of the IPC.
3. The allegation is that accused Nos.1 and 2, who are the sons of the de facto complainant, along with the 3rd accused who is the wife of the 1st accused, obtained certain blank documents from the de facto complainant and utilized the same for executing a sale deed in respect of 4.5 cents of property and thus committed the offence.

4.I have heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

5.The learned counsel for the petitioner has submitted that 1st and 2nd petitioners are the sons of the defacto complainant and the 3rd petitioner is the wife of the 1st petitioner. It is submitted that the complaint was filed by the de facto complainant due to trivial family disputes. It was also submitted that the petition filed by the de facto complainant to set aside the power of attorney and sale deed No 3075 /2014 as O.P. (Pauper) No 4/ 2015 had been dismissed by the Civil Court.

6.Having regard to the allegations levelled against the petitioners, the relative conduct of the parties, the nature of offence and the other circumstances of the case, I am inclined to grant anticipatory bail to the petitioners .

7.In the result, this application is allowed, but subject to

the following conditions:

i). The petitioners shall be released on bail after interrogation on their executing a bond for 25,000/- each, with two solvent sureties each for the like sum, if they are arrested by the police in connection with this case.

ii). The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the court or to any police officer.

lii). The petitioners shall make themselves available for interrogation as and when required by the Investigating officer.

iv). The petitioners shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioners shall not commit any similar offence while on bail.

vi). The petitioners shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True copy//

P.S. To Judge