

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

Bail Appl..No. 5682 of 2015 ()

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CRIME NO. 848/2015 OF OTTAPALAM POLICE STATION, PALAKKAD DISTRICT.**

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PETITIONERS/ACCUSED:

- 1. JUSTIN JOSE, AGED 29 YEARS,
S/O. JOSE, OOKAN HOUSE, OLLUR VILLAGE,
THAIKKATTUSSERY DESOM.**
- 2. VINOSH K.V., AGED 37 YEARS,
S/O. VIJAYAN, KUNJILAKATTIL HOUSE,
ELAMTHURUTHY, ERAVIMANGALAM P.O.,
THRISSUR.**

**BY ADVS.SRI.S.RAJEEV,
SRI.K.K.DHEERENDRAKRISHNAN,
SRI.V.VINAY.**

RESPONDENTS/STATE:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
(CRIME NO. 848/2015 OF OTTAPPALAM POLICE STATION,
PALAKKAD DISTRICT).**
- 2. STATION HOUSE OFFICER,
OTTAPPALAM POLICE STATION,
(CRIME NO. 848/2015 OF OTTAPPALAM POLICE STATION,
PALAKKAD DISTRICT).**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A. HARIPRASAD, J.

Bail Appl. No.5682 of 2015

Dated this the 6th day of November 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.2 and 4 in Crime No.848 of 2015 of Ottapalam Police station registered for the offences punishable under Secs.120B, 468, 471 and 420 read with Sec.34 of the Indian Penal Code. Prosecution case in short is that, the petitioners along with another accused cheated one Rakhi in connection with a land transaction. It is further alleged that the petitioners and other accused fraudulently created some documents and land was assigned to Rakhi for an amount of Rs.1.5 Crores and thereby, committed the aforesaid offences.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. Learned Public Prosecutor opposed the bail application.

5. Learned counsel for the petitioners

submitted that the case was registered suo motu by the Police on finding that there was some dispute regarding the genuineness of the documents. It is also alleged that the petitioners have no role in creating the false documents. Further, it is submitted that the monitory dispute between said Rakhi and the assignors have been settled. All the disputed documents have been cancelled and money had been refunded to the buyer.

Considering the nature of allegations, pre arrest bail is granted to the petitioners with the following conditions.

1. The petitioners shall surrender before the investigating officer within a period of one week and submit themselves for interrogation.

2. In the event of arrest, the petitioners shall be released on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. The petitioners shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

4. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

5. The petitioners shall co-operate with investigation of the case.

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/06/11/2015

P.A. To Judge