

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Bail Appl..No. 5991 of 2015

CRIME NO. 1032/2015 OF PARAVOOR POLICE STATION, KOLLAM

PETITIONER(S)/ACCUSED:

SATHI, AGED 46 YEARS, D/O.SATHYABHAMA,
MELLATHIL VEETIL, PUTHUKULAM VILLAGE, KOLLAM.

BY ADV. SRI.M.R.SARIN

RESPONDENT(S):

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

2. THE SUB INSPECTOR OF POLICE,
PARAVUR POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

* ADDL.R3 IMPEADED

3. BABU, AGED 47 YEARS,
S/O.VIDHYADHARAN, RESIDNG AT MEESON,
ELAKAMON DESOM, ELAKAMON P.O.,
AYIROOR VILLAGE, VARKKALA TALUK,
THIRUVANANTHAPURAM-695001.

ADDL.R3 IMPEADED AS PER ORDER DATED 19/11/2015 IN CRL.MA.9657/15.

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA
DEFACTO COMPLAINANT BY ADV. SRI.VINOY VARGHESE KALLUMOOTILL

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

A. HARIPRASAD, J.

Bail Appl. No.5991 of 2015

Dated this the 19th day of November 2015

O R D E R

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

2. Petitioner is the accused in Crime No.1032 of 2015 of Paravur Police station registered for the offences punishable under Secs.419, 420, 468 and 471 read with Sec.34 of the Indian Penal Code. Prosecution case is that on 15.11.2014, the accused persons jointly sold 6.5 cents of land belonging to the defacto complainant by forging his signature.

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

4. Learned counsel for the petitioner and the counsel for the defacto complainant submitted that there are civil litigations between the parties in which, the petitioner has lost in the Trial Court and in the Appellate Court.

5. Learned counsel for the defacto complainant

contended that by suppressing all these facts, the petitioner had created a false document with the connivance of the other accused and mortgaged the property to a Co-operative bank and availed a loan of Rs.10 lakhs. The anxiety of the defacto complainant is that the bank may proceed against the property on the basis of the false document created by the petitioner.

That is a matter to be decided by the Civil Court. Considering the nature of allegations, pre arrest bail is granted to the petitioner with the following conditions.

1. The petitioner shall surrender before the investigating officer within a period of two weeks and submit herself for interrogation.

2. In the event of arrest, the petitioner shall be released 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.

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

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

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

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/19/11/2015

P.A. To Judge