

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Bail Appl..No. 5993 of 2015

CRIME NO. 116/2011 OF THIRUVALLAM POLICE STATION, THIRUVANANTHAPURAM

APPLICANTS/ACCUSED NO.1 & 2 :

- 1. J.SHAMNAD, S/O.JALALUDHEEN, AGED 34 YEARS
NOW RESIDING AT ASARI THODI HOUSE, NEDIYIRUPPU P.O,
MALAPPURAM DISTRICT, PIN 673 638.**
- 2. SMT. M.SAUDA BEEVI, W/O.JALALUDHEEN, AGED 55 YEARS,
NOW RESIDING AT ASARI THODI HOUSE, NEDIYIRUPPU P.O,
MALAPPURAM DISTRICT, PIN 673 638.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. SUB INSPECTOR OF POLICE,
THIRUVALLAM POLICE STATION,
THIRUVANANTHAPURAM -695 027.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN -682 031.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

RAJA VIJAYARAGHAVAN V, J.

B.A.No.5993 of 2015

Dated this the 19th day of October, 2015

O R D E R

This is an application for anticipatory bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioners are husband and wife and they have been arrayed as accused Nos.1&2 in Crime No.116/2011 of Thiruvallam Police Station. They are alleged to have committed offence punishable under S.420, 356 r/w S.34 of the IPC.

3. The gist of the allegation is that, the petitioners, after having borrowed a sum of Rs.25,000/- from the de-facto complainant, who was working as a sweeper in the residential home of the petitioners, failed to repay the same on demand.

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

5. The learned counsel appearing for the petitioners has submitted that the allegations are false and that there was no occasion for the petitioners to borrow any amount from the de facto complainant.

6. The learned Public Prosecutor, on the other hand, submitted that in addition to the aforesaid sum of Rs.25,000/-, the petitioners have also taken gold ornaments belonging to the informant as well as the title deeds in her name.

7. After having heard the learned counsel for the petitioners as well as the learned Public Prosecutor, the nature and gravity of the allegations, the antecedents of the petitioners and the stage of investigation, I am of the

considered view that this is not a case wherein custodial interrogation of the petitioners is warranted.

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.
- iii). 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.**

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[True copy]

P.A to Judge