

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

Bail Appl..No. 6122 of 2015 ()

CRIME NO. 1258/2015 OF KUNDARA POLICE STATION.

.....

PETITIONER(S):

**DEEPTHIMOL SMITHA JOSE, AGED 40 YEARS,
D/O.JOSEPH, KALLUMADATHIL HOUSE,
SOUHRIDA NAGAR, AA-9, KARIPPAI SUNDARAGIRI ROAD,
KALAMASSERY, PIN-683 104.**

BY ADV. SRI.S.VIDYASAGAR.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN -682 031.**
- 2. ASSISTANT COMMISSIONER OF POLICE,
DISTRICT SPECIAL BRANCH,
THIRUVANANTHAPURAM, PIN-695 001.**
- 3. S.I. OF POLICE, KUNDARA, PIN - 691 501.**

BY PUBLIC PROSECUTOR SMT.MADHU BEN.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

RAJA VIJAYARAGHAVAN.V. J

B.A.6122 of 2015

Dated 16th October, 2015

ORDER

- 1.This petition is filed u/s 438 of the Code of Criminal Procedure seeking anticipatory bail.
- 2.The petitioner is the sole accused in crime No.1258 of 2015 of Kundara police station. The said crime has been registered for offence punishable u/s 420, 468 and 471 of the IPC.
- 3.It appears from the records that the crime was registered on the strength of a complaint filed by one T.J.Jacob who is the maternal uncle of the petitioner. The allegation in the said complaint is that the petitioner had forged a consent letter and produced it before the Panchayat authorities and

got the ownership of the house transferred in her name .

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

5.The learned counsel appearing for the petitioner submitted that the case has a chequered history and the crime has been registered only as a counter blast to proceedings initiated against the informant by the petitioner. The petitioner has also produced Annexure-A2 order dated 15.6.2015 in W.P.(C).15356 of 2015 as per which, this Court had directed the Superintendent of police (Rural), Kollam, to take over investigation in crime No.1163 of 2015 filed at the instance of the petitioner alleging offence u/s 379 of the IPC against the informant in this case. It is also submitted that civil suit is pending before the competent Courts at the

instance of both parties .

6. Considering the entire facts and circumstances, I am of the view that petitioner has made out a case for grant of anticipatory bail.

7.It is therefore ordered that the petitioner, in the event of her arrest in crime No. 1258 of 2015 of the Kundara Police Station, shall be released on bail on her executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating officer.

8. The Bail application is allowed .

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True copy//

P.S. To Judge