

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

Bail Appl..No. 6219 of 2015

CRIME NO. 380/2015 OF BEKAL POLICE STATION, KASARGOD

PETITIONER/ACCUSED NO.3:

SABREENA RIYAS, AGED 33 YEARS,
W/O. RIYAS, LAILA MANZIL, NEW MAHE,
THALASSERY TALUK, KANNUR DISTRICT.

BY ADV. SRI.SATHEESHAN ALAKKADAN

RESPONDENTS/COMPLAINANT/STATE:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-6820150.

2. THE STATION HOUSE OFFICER,
BEKAL POLICE STATION, KASARAGOD DISTRICT.

* ADDL.R3 IMPEADED

3. VIJAYA KUMAR, S/O.MADHAVI,
AGED 46 YEARS, KIZHAKKEVALAPPIL HOUSE,
BEKAL P.O., KASARAGOD DISTRICT.

ADDL.R3 IMPEADED AS PER ORDER DATED 4/11/2014 IN CRL.MA.9891/2015

R1 & 2 BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA
R3 BY ADV. SRI.I.V.PRAMOD

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

A.HARIPRASAD, J.

B.A. No.6219 of 2015

Dated this the 4th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Third accused in Bekal Police Station Crime No.380 of 2015 registered for offences punishable under Sections 420, 468 and 477 of the Indian Penal Code seeks pre-arrest bail.

3. Heard the learned counsel for the petitioner and the defacto complainant. Learned Public Prosecutor is also heard.

4. Case of the prosecution is that the defacto complainant has filed a complaint before the Circle Inspector of Police, Hosdurg alleging the said offences. Allegation is that the accused persons together made the defacto complainant believe that a business venture was about to be launched by them and if the defacto complainant made investment, he could earn huge profits. Believing the story put forward by the accused persons, the defacto complainant invested more than a crore of rupees. Later, it was revealed that the accused persons were cheating him. It is also submitted by the learned counsel for the defacto complainant that the accused had cheated many persons inside and outside India.

5. Learned counsel for the petitioner submitted that the partnership arrangement was between the defacto complainant and accused 1 and 2. Petitioner has no connection with the business except the fact that she is wife of the first accused. Per contra, learned counsel for the defacto complainant submitted that many times petitioner had approached the defacto complainant and received money.

Considering the nature of allegations, following directions are issued:

i. Petitioner shall surrender before the investigating officer within a period of two weeks and submit herself for interrogation. Thereafter she shall execute a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, she shall be released on bail in Crime No.380 of 2015 of Bekal Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioner shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. She shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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