

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Bail Appl..No. 6696 of 2015 ()

CRIME NO. 510/2015 OF SANTHANPARA POLICE STATION, IDUKKI DISTRICT.

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PETITIONER(S):

- 1. KOSHY CHANDY, AGED 75 YEARS,
S/O. KOSHY, KAITHAYIL HOUSE, N-30 FRANKLIN GARDENS,
KUTTIKATTUKARA P.O., COCHIN-683 501.**
- 2. RACHEL CHANDY, AGED 70 YEARS,
W/O. KOSHY CHANDY, KAITHAYIL HOUSE,
N-30 FRANKLIN GARDENS, KUTTIKATTUKARA P.O.,
COCHIN-683 501.**
- 3. SANTHOSH CHANDY, AGED 42 YEARS,
S/O. KOSHY CHANDY, KAITHAYIL HOUSE,
N-30 FRANKLIN GARDENS, KUTTIKATTUKARA P.O.,
COCHIN-683 501.**

BY ADV. SRI.BABU PAUL.

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE STATION HOUSE OFFICER,
SANTHANPARA POLICE STATION,
SANTHANPARA, IDUKKI-675 011.**

*** ADDL. R3 & R4 IMPEADED**

- 3. MEENA JACOB, W/O.JACOB C.MATHEW,
AGED 59 YEARS, HOUSEWIFE, NOW RESIDING AT
CHIRAMEL, 'TULIP', BEEBA REGALIA, NAD P.O.,
ALUVA EAST VILLAGE, ALUVA TALUK,
ERNAKULAM DISTRICT-683 563.**

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**4. JACOB C.MATHEW, S/O.REV. C.G. MATHEW,
AGED 64 YEARS, RETIRED, NOW RESIDING AT
CHIRAMEL, 'TULIP', BEEBA REGALIA, NAD P.O.,
ALUVA EAST VILLAGE, ALUVA TALUK,
ERNAKULAM DISTRICT-683 563.**

*** ADDL. R3 & R4 ARE IMPEADED AS PER ORDER DATED 02/11/2015
IN CRL. MA. NO.10351/2015.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.R. REMA.
ADDL. R3 & R4 BY ADVS. SRI.P.RAJESH (KOTTAKKAL),
SRI.VARGHESE VARGHESE.M,
SMT.UMA R.KAMATH,
SMT.S.SANDHYA,
SRI.BEPIN PAUL,
SRI.SHALU VARGHESE,
SRI.M.P.RAMNATH.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.6696 of 2015

Dated this the 2nd day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 2 to 4 in Crime No.510 of 2015 of Santhanpara Police Station registered for offences punishable under S120B, 406, 417, 465, 468 and 471 read with Section 34 of the Indian Penal Code.

3. Case arises out of a private complaint filed which was referred to Police for investigation under Section 156(3) of the Code of Criminal Procedure. Gist of allegations is that accused 1 to 4 conspired together and created false document by impersonating the executant and transferred the property to the name of the first accused. Accused 2 and 3 are the parents of the fourth accused who is the husband of the first accused.

4. Heard the learned counsel for the petitioners and the complainant. Learned Prosecutor is also heard.

5. It is the allegation that the complainant and the third accused

are sisters and the second accused is the husband of the third accused. Their son is the fourth accused whose wife is the first accused. A property standing in the name of the complainant was fraudulently transferred to the name of first accused by impersonation. It is also contended that a false affidavit has been filed before this Court in connection with writ petition. Annexure-1 in the bail application is the complaint.

Considering the nature of allegations in the complaint and after hearing counsel, I do not find any need to have a custodial interrogation of the petitioners for the effective investigation of the crime. Therefore the following order:

i. Petitioners shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation. Thereafter each one of them 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, they shall be released on bail in Crime No.510 of 2015 of Santhanpara 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. Petitioners shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. They shall not leave the State of Kerala without the permission of the learned Magistrate having jurisdiction.

v. They shall surrender their passport if any. If any of the accused does not have passport, he shall sworn to an affidavit showing that fact and submit it before the learned Magistrate having jurisdiction.

vi. They 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 petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

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