

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 6895 of 2015

CRIME NUMBER NOT KNOWN

PETITIONERS/ACCUSED:

1. SOBY, AGED 45 YEARS,
LILLI FLOWER HOUSE,
VALLAKKADAVU.P.O, PETTAH VILLAGE,
THIRUVANANTHAPURAM DISTRICT.
2. LUCY JAMES, AGED 40 YEARS,
W/O.SOBY, LILLI FLOWER HOUSE, VALLAKKADAVU.P.O,
PETTAH VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.K.MOHANAN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
THROUGH THE CIRCLE INSPECTOR OF POLICE,
VIZHINJAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A.No.6895 of 2015

Dated this the 17th day of November, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.1749 of 2015 of Vizhinjam Police Station registered for the offence punishable under Section 420 of the Indian Penal Code.

3. Prosecution case is that one Omana, the defacto complainant, alleged that she had borrowed an amount of ₹2,30,000/- from the petitioners and to secure the loan certain properties were assigned in the name of the petitioners. There was an understanding that when the amount is paid off the property will be re-conveyed. The petitioners in violation of the agreement assigned the property to a 3rd person is the allegation.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that a portion of the property has been re-conveyed to the defacto complainant and the entire matter has been

settled as per a compromise decree in O.S.No.751 of 2011 of the Munsiff's Court, Nedumangad.

6. After hearing the learned counsel on both sides, I am of the view that no custodial interrogation will be necessary. Hence, the following directions are issued:

- (a) Petitioners shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on executing a bond for ₹25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioners shall appear before the Investigating Officer as and when directed for the purpose of interrogation.
- (c) The petitioners shall co-operate with the investigation of the case.

- (d) The petitioners shall not intimidate or attempt to influence the witnesses.
- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) The petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-

A.HARIPRASAD, JUDGE.

AS

/True copy/

P.A. to Judge