

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

Bail Appl..No. 7499 of 2015 ()

CRIME NO. 712/2015 OF MALAMPUZHA POLICE STATION, PALAKKAD DISTRICT.

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PETITIONER/3RD ACCUSED:

**SIVADAS VISHWANATHAN, AGED 47 YEARS,
S/O. SIVADAS, RESIDING AT "KAVYA", CHEMMANKAD,
KANNADI, PALAKKAD DISTRICT, PIN-678 701,
(WORKING AS JOINT SUB -REGISTRAR,
DEPARTMENT OF REGISTRATION, PALAKKAD).**

BY ADV. SRI.JAWAHAR JOSE.

RESPONDENT/STATE :

**THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-12-2015, ALONG WITH BA NO.7663 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. Nos.7499 & 7663 of 2015

Dated this the 1st day of December, 2015

COMMON ORDER

Petitions under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.712 of 2015 of Malampuzha Police Station registered for offences punishable under Sections 420, 468, 471 and 120B r/w Section 34 I.P.C.

3. Prosecution case, in short, is that the accused persons conspired together and created fraudulent documents to grab immovable property belonging to the defacto complainant.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. Learned counsel for the third accused submitted that he is a Sub Registrar and not involved in any offence. He has discharged his official duty promptly, correctly and regularly. He has verified the records to convince that the assignor has a marketable

title over the property. The fourth accused is a document writer, who also submitted that he has no role in the alleged forgery. Learned Public Prosecutor opposed the bail application. He contended that the learned Additional Magistrate, Palakkad received a complaint from one Vaidyanathan alleging that the documents in question were fraudulently created and registered in order to grab his property. It appears that there is an identity dispute over the property. The dispute appears to be mainly of a civil nature. Considering the nature of offence, I do not find any custodial interrogation is necessary in this case. Hence, following directions are made :

1. Petitioners shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, the petitioners shall be released on bail on executing a bond for Rs.25,000/- each (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to

establish their identity and solvency.

3. Petitioners shall appear before the Investigating Officer as and when directed.
4. Petitioners shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-

**A. HARIPRASAD
JUDGE**

//True copy//

P A to Judge

amk