

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No. 7751 of 2014

CRIME NO. 64/2014 OF VELLARIKKUNDU POLICE STATION, KASARGOD DISTRICT.

PETITIONER/ACCUSED:

C.H.ABDULRAZAK, AGED 59 YEARS,
S/O ABDULRAHIMAN, KAMMADATH HOUSE,
PEROL VILLAGE P.O, NILESHWAR,
KASARAGOD DISTRICT.

BY ADV. SMT.CHINCY GOPAKUMAR

RESPONDENT/COMPLAINANT:

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

*ADDL. R2 IMPEADED

2. C.H.SUBAIR, AGED 46 YEARS,
S/O.K.PABDUL RAHIMAN, RESIDING AT
KANNADATH HOUSE, PARAPPA.P.O.,
HOSDURG TALUK, KASARAGOD DISTRICT.

ADDL. R2 IS IMPEADED AS PER ORDER DATED 13.3.2015 I
N CRL.MA.1533/2015 IN BA;.7751/2014.

R1 BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.
ADDL.R2 BY ADV. SMT.SAJITHA.S.DHARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.7751 of 2014
.....

Dated this the 23rd day of March, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.64/2014 of Vellarikundu Police Station, Kasaragod district, registered for the offences punishable under Sections 463, 464, 465, 468 and 471 IPC.

3. The allegation against the petitioner is that he has forged the signature and seal of the Nileshtar Land Tribunal and created a false document in respect of the property of the de facto complainant in Re-survey No.69/1 of Parappa village and by pledging the said document at Vijaya Bank, Kalichamaram Branch and North Malabar Gramin Bank, Nileshtar Branch, he obtained loans, thereby

cheating and defrauding the banks as well as the de facto complainant.

4. Heard learned counsel for the petitioner, learned counsel for the de facto complainant and learned Public Prosecutor.

5. The learned counsel for the petitioner has pointed out that there is longstanding dispute between the petitioner and the de facto complainant, who is his youngest brother, in respect of the properties and civil suits are also pending. It has been pointed out that the entire loan transactions in both the banks have been closed and presently, there is no liability at all in respect of the property. Still, the petitioner maintains a case that the property belongs to him and he has not forged any document. When the loan transactions are closed and there is no subsisting liability in respect of the property at present, I am of the view that the custodial interrogation of the petitioner is not required for the continued investigation of this case. Considering the facts

and circumstances of the case and the relationship between the parties and also the subsisting civil suits in respect of the property, I am of the view that anticipatory bail can be granted to the petitioner on conditions.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays commencing from 30.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by

the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/23/03

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PA to Judge