

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Bail Appl..No. 7786 of 2014 ()

CRIME NO. 735/2014 OF KADAKKAVOOR POLICE STATION, THIRUVANANTHAPURAM

PETITIONERS/A1 & A2 :

- 1. MANIKANTA KURUP, AGE 61,
S/O.GOVINDA KURUP, LIJU BHAVAN
PERUMKULAM, KAVALAYOOR P.O., MANAMPOOR VILLAGE
CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM.**
- 2. LIJU, AGE 30,
S/O.MANIKANTA KURUP, LIJU BHAVAN
PERUMKULAM, KAVALAYOOR P.O., MANAMPOOR VILLAGE
CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
KADAKKAVOOR POLICE STATION
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.SUDHEENDRA KUMAR, J.

Bail Application No.7786 of 2014

Dated this the 5th day of June 2015

O R D E R

The petitioners are accused in Crime No. 735/2014 of Kadakkavoor Police Station registered under Sections 420 and 120 B read with Section 34 of the Indian Penal Code.

2. The prosecution allegation is that the petitioners sold their property to the de facto complainant on 02.05.2013, concealing the fact that the said property was having encumbrance with the Bank. On the said allegations, a private complaint was filed by the de facto complainant before the court of the Judicial Magistrate of First Class-I, Varkala. The learned Magistrate forwarded the said complaint to the police for investigation and report under Section 156 (3) Cr.P.C. Accordingly, the above crime was registered.

3. The petitioners have filed this application praying for a relief under Section 438 Cr.P.C.

4. Heard.

5. The learned Public Prosecutor has no serious objection in allowing this application. It appears from the facts and circumstances as revealed from the Case Diary that the dispute involved in this case is mainly civil in nature. In the said circumstances, custodial interrogation of the petitioners is not necessary for the progress of investigation of the case. Consequently, an order under Section 438 Cr.P.C. in favour of the petitioners will be justified.

In the result, this application stands allowed and the respondent is directed to release the petitioners on bail in the event of their arrest in connection with Crime No. 735/2014 of Kadakkavoor Police Station on condition of each of the petitioners executing a bond for Rs.30,000/- (Rupees thirty thousand only) each, with two solvent sureties each, each for the like sum to the satisfaction of the Sub Inspector of Police, Kadakkavoor Police Station, before whom the petitioners shall surrender within ten days from today and subject to the following conditions.

- (1) The petitioners shall report before the Investigating Officer as and when required by

the Investigating Officer for interrogation.

(2) The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(3) The petitioners shall not get involved in any offence during the pendency of the case.

I make it clear that the observations made in this order are only for the purpose of disposing of this application and not for any other purpose.

**B.SUDHEENDRA KUMAR,
JUDGE**

DMR/-