

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

Bail Appl..No. 8826 of 2014

CRIME NO. 846/2013 OF PANDALAM POLICE STATION , PATHANAMTHITTA

PETITIONER(S)/ACCUSED 1 & 2:

1. REVAMMA, AGED 64 YEARS,
W/O.RAJAN PILLAI, SMITHA BHAVAN, THATTAYIL P.O.
PADUKOTTUCKAL, PANDALAM, THEKKEKKARA VILLAGE
PATHANAMTHITTA DISTRICT.

2. SMITHA, AGED 32 YEARS
D/O.RAVAMMA, -DO-

BY ADV. SRI.T.K.BIJU (MANJINIKARA)

RESPONDENT(S)/STATE & COMPLAINANT:

1. STATE OF KERALA
REP. BY SUB INSPECTOR OF POLICE, (CRIME NO.846/2013)
PANDALAM POLICE STATION, PANDALAM, PATHANAMTHITTA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM - 682 031.

2. LINUKUMAR,
LINU SADANAM, CHARUVILAYYATHU, THATTAYIL P.O.
PADUKOTTUCKAL, PANDALAM THEKKEKKARA VILLAGE
PATHANAMTHITTA DISTRICT 689652.

R1 BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

B.A. No.8826 of 2014

Dated this the 13th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

The petitioners are accused Nos.1 & 2 in crime No.846/2013 of Pandalam Police Station, which has been registered for the offences under Sections 420 and 468 of IPC.

2. The petitioners are mother and daughter. They had in their ownership about 20 cents of land. They sold a portion of it to the second respondent. Thereafter they mortgaged the property to a Co-operative Bank to secure a loan. It is stated that the property mortgaged by the petitioners takes in the property already sold to the second respondent.

3. The learned counsel for the petitioners submits that they did not suppress anything from the Co-operative

Society and the offences are not attracted.

4. Heard.

5. It appears that the dispute is essentially of a civil nature. The Co-operative Society must have taken encumbrance certificate from the petitioners before the loan was disbursed.

6. Having regard to these facts, I am inclined to grant the prayer of the petitioners.

In the result, this application is allowed.

- 1) The petitioners shall be released on bail after interrogation on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each if they are arrested by the police in connection with this case.
- 2) They shall appear before the Investigating Officer for interrogation later, if they are so required by him in writing.
- 3) They shall co-operate with the investigation.

This order is not applicable if the petitioners

choose to surrender before the Magistrate concerned and in such case the learned Magistrate may take appropriate action in accordance with the law.

Sd/-

**K. ABRAHAM MATHEW
JUDGE**

//True copy//

P.A. TO JUDGE

shg/