

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

Bail Appl..No. 9105 of 2014 ()

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CRIME NO. 1779/2014 OF ADOOR POLICE STATION.**

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PETITIONER/2ND ACCUSED:

**SINDHU, AGED 34 YEARS,
W/O. SIVAPRASAD, SHEKHARA SADANAM,
PUTHENCHANDA, PONGADI MURI,
PERINGANADU VILLAGE,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.G.PRIYADARSAN THAMPI.

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.9105 of 2014
.....

Dated this the 3rd day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.1779/2014 of Adoor Police Station registered for the offence punishable under Section 420 read with Section 34 IPC.

3. The allegation against the petitioner and the other accused is that they, on three occasions, borrowed a total amount of ₹20.5 lakhs from the *defacto complainant* out of the amounts obtained by her by way of loans from various banks. It was borrowed by representing that the same was for the purpose of starting a textiles at Puthenchantha, Peringanad village. It is alleged that they have not returned

the amount whereas, they have deliberately defrauded and cheated the *defacto complainant*. It seems that even though cheques were issued in discharge of the said liability, all the cheques were bounced and dishonoured.

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

5. It seems that A1 is involved in other cases also, and he was arrested, detained and subsequently, enlarged on bail in this case. It has come out that the petitioner has no criminal antecedents on her part. Apart from the fact that she is the wife of the 1<sup>st</sup> accused, all the main overt acts are alleged against A1 and A3. Considering the facts and circumstances of the case, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

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 Tuesdays and Fridays commencing from 10.02.2015 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*

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*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/03/02

*// True Copy //*

*PA to Judge*