IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

MONDAY, THE 07TH DAY OF DECEMBER 2020 / 16TH AGRAHAYANA, 1942

Bail Appl..No.7898 OF 2020

CRIME NO.2611/2020 OF Cherthala Police Station , Alappuzha

PETITIONER/S:

1 P.S SREEKUMAR
AGED 58 YEARS
ANUJA BHAVAN, CHERTHALA,
KIZHAKUMURI, CHERTHALA P.O,
ALAPPUZHA DISTRICT
688524

2 ANUJA SREEKUMAR
AGED 54 YEARS
ANUJA BHAVAN, CHERTHALA,
KIZHAKUMURI, CHERTHALA P.O,
ALAPPUZHA DISTRICT
688524

BY ADVS.
SRI.V.V.NANDAGOPAL NAMBIAR
SRI.DHEERAJ KRISHNAN PEROT
SMT.SMITHA (EZHUPUNNA)
SMT.CHITRA JOHNSON

RESPONDENT/S:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA 682031

R1 BY PUBLIC PROSECUTOR

OTHER PRESENT:

SRI.E.C.BINEESH -PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated this the 7th day of December 2020

Application for anticipatory bail under Section 438 of Cr.P.C.

The applicants anticipate arrest in Crime No.2611/2020 of Cherthala Police Station for having allegedly committed offences punishable under Sections 406, 468, 471 r/w Section 34 of IPC.

2. The prosecution case, in brief, is that the applicants had allegedly concocted documents and forged tax receipts and possession certificates to indicate that their wetland was a garden land and sold their property. Earlier, they were implicated in Crime 3205/2020 in the same police station making an allegation against them that they had produced documents before the bank for pledging their documents on the basis of said forged certificates. This Court vide order dated 24.07.2020 in BA No.9365/2019 granted them anticipatory bail.

3. The applicants state that apart from that incident they

are not involved in any other concocted documents. Therefore, they may be granted anticipatory bail.

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

5. The learned Public Prosecutor submits that the applicants had sold properties based on the concocted documents purportedly issued from the revenue department. It is on the basis of that, the present crime has been registered.

However, the applicants are willing to cooperate with the investigation and they have been granted anticipatory bail in the connected crime, where they had attempted to mortgage properties on the basis of forged documents. There is no apprehension of their absconding and not cooperating with the investigation. Under the circumstances, the applicants are directed to surrender before the investigating officer within two weeks. In the event of they being arrested, they shall be released on bail on the execution of a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like amount to the satisfaction of the investigating officer and on following conditions:

(i) They shall appear before the investigating officer as and when called for.

(ii) They shall not attempt to influence the witnesses or tamper with evidence.

(iii) They shall not get involved in any other similar crimes during the currency of the bail.

In case of violation of any bail condition, the prosecution is at liberty to apply for cancellation of the bail before the jurisdictional court.

SD/-

ASHOK MENON

JUDGE

rmm