

Subash Vs. State of Kerala

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Court : Kerala

Decided On : Oct-05-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Subash

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN SATURDAY, THE 5TH DAY OF OCTOBER 2013 13TH ASWINA, 1935 Bail Appl.No. 6520 of 2013 () ----- CRIME NO. 1320/2013 OF THENMALA POLICE STATION , KOLLAM DISTRICT. ... PETITIONER/ACCUSED: ----- SUBASH, AGED 60 YEARS, SUBASH BHAVAN, PANYILAZHIKATHU HOUSE CHERUTHANOR, EDAMON VILLAGE, PUNALLOOR, KOLLAM. KOLLAM. BY ADVS.SRI.K.S.HARIHARAPUTHRAN SRI.M.D.SASIKUMARAN SRI.GEORGE MATHEW SRI.P.A.ISMAIL SRI.DIPU JAMES RESPONDENT/COMPLAINANT(S): ----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR THENMALA POLICE STATION KOLLAM DISTRICT (PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM) BY PUBLIC PROSECUTOR SMT.P.MAYA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-10-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: tss P. BHAVADASAN, J.

..... B.A.No. 6520 of 2013 Dated
this the 5th day of October, 2013

ORDER

An unfortunate father-in-law found himself arrayed as an accused at the behest of his daughter-in-law after she picked up quarrel with her husband and instituted proceedings before the Family Court.

2. The petitioner, who is the father-in-law is accused of having forced her to withdraw a sum of `5,25,000/- from her account.

3. The petitioner would say that he is totally innocent and has been falsely implicated with ulterior motive. It is an after thought of strengthening the family court proceedings and he has not committed any act as alleged.

4. The learned Public Prosecutor made available the CD.

5. After having heard the learned counsel for the petitioner and the learned Public Prosecutor and after having gone through the CD, there seems to be considerable force in the submission made by the learned counsel for the petitioner. All the officers of the bank questioned by the investigating officer B.A.No. 6520 of 2013 2 have stated that it was the same girl, who had deposited the amount, who had withdrawn the amount also. This prima facie shows that the claim made by the petitioner that he has been falsely implicated, may be true. Any way, a deeper probe into the veracity of the allegations is not warranted at this point of time. Considering the nature of allegations against the petitioner, the manner in which the incident has taken place etc., it is felt that this is a fit case where extraordinary jurisdiction of this Court needs to be exercised in favour of the petitioner. The petition is allowed as follows: i) Petitioner shall surrender before the Investigating Officer on or before 11.10.2013, who, after interrogation shall produce him before the JFCM court concerned, which court, on application for bail being moved by the petitioner, shall release him on bail on his executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two solvent sureties for the like sum each to the satisfaction of the said court. ii) The Court concerned shall ensure

the identity of the sureties and also the veracity of the tax receipts produced by him. B.A.No. 6520 of 2013 3 iii) The petitioner shall report before the Investigating Officer on every Wednesday between 9 a.m and 11 a.m until further orders. iv) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness. v) If any of the conditions is violated, the bail granted to the petitioner shall stand cancelled and the Court concerned, on being satisfied of the said fact, may take such steps as are available to it in law. sd/- (P. BHAVADASAN, JUDGE) AMV/ /TRUE COPY/ P.A.TO JUDGE

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