

**Ummar Vs. State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1129738](http://sooperkanoon.com/1129738)

**Court :** Kerala

**Decided On :** Feb-25-2014

**Judge :** Honourable Mr.Justice Thomas P.Joseph

**Appellant :** Ummar

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE 25<sup>TH</sup> DAY OF FEBRUARY 2014 6<sup>TH</sup> PHALGUNA, 1935 Bail Appl..No. 3277 of 2013 ()  
----- CRIME NO. 240/2013 OF ERUMAPETTY POLICE STATION, TRISSUR DISTRICT ----- PETITIONERS/ACCUSED NOS.1 TO 11  
----- 1. UMMAR, AGED 44 YEARS, S/O. PUZHANGARA ILLATH LATE KUNJAMU, VELLARAKAD VILLAGE DESOM, TALAPPILLY TALUK.

2. ANZAR HUSSAIN, AGED 30 YEARS, S/O. PULICHARAN HASSANKUTTY @ HASSAN, PAZHIYOTUMURI DESOM, VELLARAKAD VILLAGE TALAPPILLY TALUK.

3. SAINABA, AGED 67 YEARS, W/O. PUZHANGARA ILLATH LATE KUNJAMU, VELLARAKAD VILLAGE DESOM, TALAPPILLY TALUK.

4. PATHUNNI, AGED69YEARS, W/O. PULICHARAN HASSANKUTTY @ HASSAN, PAZHIYOTUMURI DESOM, VELLARAKAD VILLAGE, TALAPPILLY TALUK.

5. NAZEEMA, AGED35YEARS, D/O. PULICHARAN VEETIL HASSANKUTTY, W/O. PAZHANGARAILLATH UMMAR, PAZHIYOTUMURI DESOM, VELLARAKAD VILLAGE, TALAPPILLY TALUK.

6. AYSHA, AGED48YEARS, D/O. PULICHARAN HASSANKUTTY @ HASSAN PAZHIYOTUMURI DESOM, VELLARAKAD VILLAGE, TALAPPILLY TALUK.

7. SAHIRA, AGED44YEARS, D/O. PULICHARAN HASSANKUTTY @ HASSAN, PAZHIYOTUMURI DESOM, VELLARAKAD VILLAGE, TALAPPILLY TALUK.

8. SAREEFA AGED43YEARS D/O. PULICHARAN HASSANKUTTY @ HASSAN PAZHIYOTUMURI DESOM, VELLARAKAD VILLAGE TALAPPILLY TALUK. Bail Appl..No. 3277 of 2013 () 9. IQBAL, AGED40YEARS, S/O. PULICHARAN HASSANKUTTY @ HASSAN, PAZHIYOTUMURI DESOM, VELLARAKAD VILLAGE, TALAPPILLY TALUK.

10. FEMINA, AGED32YEARS, D/O. PULICHARAN HASSANKUTTY @ HASSAN, PAZHIYOTUMURI DESOM, VELLARAKAD VILLAGE, TALAPPILLY TALUK.

11. JASEENA, AGED30YEARS, W/O. THERUVATH SHAJI, CHELAKKARA VILLAGE DESOM, D/O. PULICHARAN HASSANKUTTY @ HASSAN, PAZHIYOTUMURI DESOM, VELLARAKAD VILLAGE TALAPPILLY TALUK. BY ADV. SRI.G.SREEKUMAR (CHELUR) STATE OF KERALA/COMPLAINANT: ----- 1. THE STATE OF KERALA REP. BY THE SUB INSPECTOR OF POLICE, ERUMAPETTY POLICE STATION, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT ERNAKULAM. \*ADDL.R2 IMPEADED :

2. VIJAYAN T.M., AGED53YEARS, S/O.MAKKUNI, THACHATTIRI HOUSE, THIPPALASSERI P.O., THALAPILLY THALUK, THRISSUR DISTRICT. ADDL.R2 IS IMPEADED AS PER

ORDER

DT252/2014 IN CRL.M.A. 4135/2013. R1 BY PUBLIC PROSECUTOR SMT. LALIZA R2 BY ADV. SRI.RAJIT THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 2502-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: BP THOMAS P. JOSEPH. J.

===== Bail Application No. 3277 of 2013  
===== Dated this the 25th February, 2014

## ORDER

Petitioners are accused 1 to 11 in Crime No. 240 of 2013 of the Erumapetty police station for the offences punishable under Secs. 406, 417, 418, 420, 465, 466, 467 and 474 of the Penal Code, apprehend arrest and have filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that the petitioners 1 and 2 entered into an agreement for sale of the property of the de facto complainant on the strength of a patta which was cancelled in the year, 2009. Petitioner committed forgery with respect to the tax receipt by adding properties covered by the cancelled patta.

3. I have heard the learned counsel for the petitioners and the de facto complainant.

4. Learned counsel have submitted that the inter se dispute between the petitioners and the de facto B.A No. 3277 of 2013 2 complainant is settled and that another item of property is assigned to the de facto complainant. What remains is only the allegations regarding forgery. Having regard to the relevant circumstances, I am inclined to grant relief to the petitioners but subject to conditions so that investigation is not affected. Application is allowed as under:

1. Petitioners shall surrender before the officer investigating Crime No. 240 of 2013 of the Erumapetty police station on 03.03.2014 at 10:00 a.m. for interrogation. 2) In case interrogation is not completed that day, the petitioners shall report to the investigating officer as may be directed by the investigating officer at all reasonable time and places. 3) Petitioners shall co-operate with the investigation of the case and make available to the investigating officer all relevant

records which are in their custody, control and possession. 3) In case arrest of the petitioners is recorded, they shall be produced before the jurisdictional magistrate the same day. 4) On such production, the petitioners shall be released B.A No. 3277 of 2013 3 on bail (if not required to be detained otherwise) in Crime No. 240 of 2013 of the Erumapetty police station on their executing bond for Rs.25,000/- (Rupees Twenty five thousand only) each with two sureties each for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions:- a) Petitioners shall report to the investigating officer as and when required for interrogation. b) Petitioners shall co-operate with the investigation. during the period of this bail. c) It is made clear that in case any of the above condition is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate as held in P.K. Shaji V. State of Kerala (AIR2006 Supreme Court 100). Sd/- THOMAS P.JOSEPH, JUDGE //true copy// P.A. to Judge Smv

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