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**Manjusha Renjith Vs. Kerala State**

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**SooperKanoon Citation** : sooperkanoon.com/1136860

**Court** : Kerala

**Decided On :** Apr-02-2014

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

**Appellant** : Manjusha Renjith

**Respondent** : Kerala State

**Judgement** :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE2D DAY OF APRIL201412TH CHAITHRA, 1936 Bail Appl..No. 2236 of 2014 () ---------- CRIME NO. 1165/2013 OF CANTONMENT POLICE STATION, THIRUVANANTHAPURAM ---------- PETITIONERS/ACCUSED NO. 4, 5, 6 : ---------- 1. MANJUSHA RENJITH, AGED33YEARS W/O.RENJITH, MANATHIL HOUSE, KANDANASSERY THRISSUR DISTRICT.

2. RENJITH, AGED33YEARS S/O.SANJAYAN, MANATHIL HOUSE, KANDANASSERY THRISSUR DISTRICT.

3. RENJISHA, AGED35YEARS W/O.RAJESH, KANGATH HOUSE, N.S.S.COLLEGE P.O. PALAGHAT DISTRICT. BY ADVS.SRI.V.A.PRADEEP KUMAR SMT.JENNY THANKAM RESPONDENTS/COMPLAINANTS : ---------- 1. KERALA STATE REPRESENTED BY

PUBLIC PROSECUTOR HIGH COURT OF KERALA2 S.P.KAILAS, S/O.PURUSHOTHAMAN NAIR, SREEKAILAS HOUSE ADOORKONAM P.O., THIRUVANANTHAPURAM, PIN - 695 584. R1 BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0204-2014, ALONG WITH BA NO. 2248/2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn THOMAS P. JOSEPH, J ---------- B.A.Nos.2236 & 2248 of 2014 ---------- Dated this the 2nd day of April, 2014

ORDER

B.A.No.2236 of 2014 is filed by the accused Nos. 4 to 6 in Crime No.1165 of 2013 of the Cantonment Police Station, Thiruvananthapuram for the offences punishable under Sections 406 and 420 r/w Section 34 of the Indian Penal Code. B.A.No.2248 of 2014 is filed by the second accused in Crime No.201 of 2014 of the same Police Station for the same offences. They apprehend arrest and have filed the application.

2. Application is opposed by the learned Public Prosecutor. It is submitted that the petitioners and others who formed a trust in the name and style "Sathimadom Builders and Developers Trust" cheated the de facto complainants. The de facto complainants had booked villas and paid the sale consideration. Sale deeds were executed in their names. Later notices were issued to them from the Archaeological Department directing demolition of the buildings. The de facto complainant in Crime No.1165 of 2013 had availed a loan from the Federal Bank on the security of the property and building and now the Bank is demanding repayment of the amount. In Crime No.201 of 2014 also, the de facto complainant has incurred financial liability. B.A.Nos.2236 & 2248 of 2014 2 3. Learned counsel submits that the allegations are not true. The petitioners in B.A.No.2236 of 2014 have nothing to do with the trust. They are only children/son-in-law of the first accused who is the chairman of the trust.

4. Having regard to the nature of allegations, I am inclined to think that custody of the petitioners is not required. A the same time, interest of the de facto complainants is also to be protected. Hence, I am inclined to grant relief to the

petitioner but subject to conditions . Applications are disposed of as under: (i) Petitioners shall surrender before the Officer(s) investigating Crime Nos.1165 of 2013 and 201 of 2014 of the Cantonment Police Station, Thiruvananthapuram on 08.04.2014 at 10 a.m for interrogation. (ii) In case interrogation is not completed that day, it is open to the officer concerned to direct presence of the petitioners on other day/days and time as may be specified by him which the petitioners shall comply. (iii) In case arrest of petitioners is recorded, they shall be produced before the jurisdictional magistrate the same day. (iv) On such production, the petitioners shall be released on bail (if not required to be detained otherwise) on B.A.Nos.2236 & 2248 of 2014 3 their executing bond for Rs.15,000/- (Rupees fifteen 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) One of the sureties shall be a close relative of any of the petitioners. (b) Petitioners 1 and 3 in B.A.No.2236 of 2014 and the petitioner in B.A.No.2248 of 2014 shall file affidavits before the learned magistrate while executing the bail bonds detailing the immovable properties they have and undertaking that they will not alienate or encumber the said properties in any manner until the cases are disposed of. (c) Petitioners 1 and 3 in B.A.No.2236 of 2014 and the petitioner in B.A.No.2248 of 2014 shall produce attested copy of the said affidavits before Registarar/Sub Registarar(s) concerned within a week from the date of their exectuting the bail bond as aforesaid. (d) Petitioners shall report to the officer(s) investigating the cases as and when required for interrogation. (e) Petitioners shall not get involved in any offence during the period of this bail. (f) Petitioners shall not intimidate or influence the B.A.Nos.2236 & 2248 of 2014 4 witnesses. (g) It is made clear that in case any of condition Nos. (c) to (f) is violated, it is open to the Investigating Officers or the de facto complainants to seek cancellation of the bail granted hereby by moving applications before the learned magistrate as held in P.K. Shaji V. State of Kerala (AIR2006 Supreme Court 100). (h) It is made clear that in case the matter is settled between the petitioners and the de facto complainants, it is open to those petitioners who have filed affidavits as aforesaid to seek permission of the learned magistrate for alienation/encumbering the property referred to in the affidavits. Sd/- THOMAS P. JOSEPH, JUDGE. AS /True Copy/ P.A. to Judge

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