

Saritha Vs. State of Kerala

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Court : Kerala

Decided On : May-30-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Saritha

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY, THE 30TH DAY OF MAY 2014 9TH JYAISHTA, 1936 Bail Appl..No. 3781 of 2014 ()
----- CRIME NO. 681/2014 OF VENJARAMOODU POLICE STATION , THIRUVANANTHAPURAM DISTRICT -----

APPLICANT(S)/ACCUSED NOS 1 & 2: -----

1. SARITHA, D/O.SAVITHRI, AGED 35 YEARS, INDEEVARAM VEEDU, AYANIMOODU, AYANIMOODU DESOM, PALLIKKAL VILLAGE.

2. MAHESHKUMAR, S/O.MANIKYAN PILLAI, AGED 38 YEARS, INDEEVARAM VEEDU, AYANIMOODU, AYANIMOODU DESOM, PALLIKKAL VILLAGE. BY ADV. SMT.L.SATHY RESPONDENT/COMPLAINANT:

----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-05-2014, THE COURT ON THE SAME DAY PASSED

THE FOLLOWING: sts THOMAS P. JOSEPH, J.

----- Bail Appl.No. 3781 of 2014 () -----

Dated this the 30th day of May, 2014

ORDER

Petitioners are accused Nos.1 and 2 in crime No.681 of 2014 of the Venjaramoodu Police Station for the offence punishable under Section 420 read with 34 of the Indian Penal Code, are in custody from 17.05.2014 and seek bail. 2.Learned Public Prosecutor has opposed the application. It is submitted that the petitioners collected a total of `96,83,618/- from various persons including the de facto complainant on a promise that the amount will be remitted to the Insurance Corporation of India but cheated them. It is submitted that the petitioners are also involved in Crime No.443 of 2014 of Chirayinkeezhu Police Station for similar offence. 3.The learned counsel submits that the petitioners are willing to settle the dispute. The learned counsel has also conveyed to me willingness of the petitioners to deposit a portion of the amount as condition for the grant of bail. Bail Appl.No. 3781 of 2014 () 2 4.Having heard both sides and considering the relevant aspects, I am inclined to think that petitioners could be released on bail subject to conditions including that they shall deposit `50,00,000/-. The application is allowed as under : I. Petitioners are granted bail in Crime No.681 of 2014 of the Venjaramoodu Police station and shall be released (if not required to be detained otherwise) on their executing bond for `25,000/- (Rupees twenty five thousand only) each with two sureties each for the like sum each to the satisfaction of the jurisdictional magistrate and subject to the following conditions . a. One of the sureties shall be a close relative of any of the petitioners. b. Petitioners shall deposit `50,00,000/- (Rupees fifty lakhs only) in a nationalised bank initially for a period of two years (renewable as per order of the Bail Appl.No. 3781 of 2014 () 3 learned Magistrate) and produce the Fixed Deposit receipt before the learned magistrate while executing the bail bond. c. In case the petitioners are/is made liable to pay compensation to any of the victims in the case, such compensation the extent possible could be realised from the amount in deposit. d. The second petitioner shall report to the officer investigating the case on every alternate Saturday between 4 p.m. and 5 p.m. until filing of the final report or for two

months, whichever is earlier. e. Petitioners shall report to the investigating officer as and when required for interrogation. f. Petitioners shall not get involved in any offence during the period of this bail. g. Petitioners shall not intimidate or Bail Appl.No. 3781 of 2014 () 4 influence the witnesses. h. In case any of condition Nos.(d) to (g) is violated, it is open to the investigating officer to file application before the learned magistrate for cancellation of the bail granted hereby, as held in P.K.Shaji v.State of Kerala [AIR 2006 SC100. sd/- THOMAS P. JOSEPH JUDGE AMV /TRUE COPY/ P.A.TO JUDGE

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