

**Shylaja Vs. State of Kerala**

**Shylaja Vs. State of Kerala**

**SooperKanoon Citation :** [sooperkanoon.com/1153862](http://sooperkanoon.com/1153862)

**Court :** Kerala

**Decided On :** Jul-01-2014

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

**Appellant :** Shylaja

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY,THE1T DAY OF JULY201410TH ASHADHA, 1936 Bail Appl..No. 4634 of 2014 (D) ----- [CRIME NO. 448/2014 OF AMBALAPPUZHA POLICE STATION , ALAPPUZHA DISTRICT] ----- PETITIONERS/ACCUSED2& 3: ----- 1. SHYLAJA, W/O.SURESHKUMAR, AGED44YEARS, VELIYIL HOUSE, KOMANA MURI, AMBALAPUZHA VILLAGE, AMBALAPUZHA TALUK.

2. ROOPITH,S/O.SURESHKUMAR, AGED22YEARS, VELIYIL HOUSE, KOMANA MURI, AMBALAPUZHA VILLAGE, AMBALAPUZHA TALUK. BY ADVS.SRI.C.A.CHACKO, SMT.C.M.CHARISMA. RESPONDENT/COMPLAINANT: ----- THE STATE OF KERALA, REPRESENTING SUB INSPECTOR OF POLICE, AMBALAPUZHA POLICE STATION, ALAPPUZHA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC

PROSECUTOR SRI. V.S. SREEJITH. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 0107-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv. THOMAS P. JOSEPH, J -----  
B.A.No.4634 of 2014 ----- Dated this the 1st day of July, 2014

## ORDER

Petitioners are accused 2 and 3 (wife and son of the first accused) in Crime No.448 of 2014 of the Ambalapuzha Police Station for the offences punishable under Sections 406 and 420 of the Indian Penal Code, apprehend arrest and have filed the application.

2. Learned Public Prosecutor has opposed the application. It is submitted that petitioners were running a Kuri in the name and style 'B & B Chitties and Private Limited' and refused to re-pay the amount subscribed by the de facto complainant. There are other cases are also pending against the petitioners for similar offences.

3. Learned counsel submits that this Court as per order dated 02.06.2014 in B.A.No.2785 of 2014 granted relief to the first accused subject to conditions including deposit of Rs.60,000/- and that amount has been deposited by the first accused. According to the learned counsel, that deposit will take care of the claim made by the de facto complainant if at all it is true.

4. I find from the Annexure-A3 order dated 02.06.2014 B.A.No.4634 of 2014 2 that relief was granted to the first accused subject to conditions including deposit of Rs.60,000/-.

5. On hearing both sides and considering the nature of the allegations, I am satisfied that custodial interrogation of the petitioners is not required. Hence I am inclined to grant relief. Since the first accused has deposited Rs.60,000/- a direction to the petitioners to deposit further amount is not required. Application is allowed as under: (i) Petitioners shall surrender before the officer investigating Crime No.448 of 2014 of the Ambalapuzha Police Station on 08.07.2014 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 the petitioners is recorded, they shall be released by the arresting officer (if not required to be detained otherwise) on their executing bond for 20,000/- (Rupees twenty thousand only) each with two sureties each for the like sum each before the arresting officer and subject to the following conditions: (a) One of the sureties shall be a close relative of the B.A.No.4634 of 2014 3 petitioners. (b) Petitioners shall report to the investigating officer as and when required for interrogation at all reasonable time and place. (c) Petitioners shall not get involved in any offence during the period of this bail. (d) Petitioner shall not intimidate or influence the witnesses. (iv) In case the petitioners or any of them violate any of condition Nos.(b) to (d), it is open to the investigating officer to move the jurisdictional magistrate for cancellation of the bail as held in P.K Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH, JUDGE. AS /True Copy/ P.A. to Judge

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**