

Sithara Beegum Vs. State of Kerala

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Court : Kerala

Decided On : Jul-01-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sithara Beegum

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE 1ST DAY OF JULY 2014 10TH ASHADHA, 1936 Bail Appl..No. 4687 of 2014 ()
----- CRIME NO. 378/2014 OF THRIKKUNNAPUZHA POLICE STATION, ALAPPUZHA DIST. PETITIONER/A.2: -----
SITHARA BEEGUM, AGED 30 YEARS, W/O. JAHANGEER, POIKAYIL VEEDU, KARINTHALACODE, KAITHODE P.O., NILAMEL VILLAGE, KOTTARAKKARA TALUK, KOLLAM DISTRICT. BY ADV. SRI.SHAJIN S.HAMEED.
RESPONDENT/STATE: ----- STATE OF KERALA, REPRESENTED BY THE SUB INSPECTOR OF POLICE, THRIKKUNNAPUZHA POLICE STATION, REPRESENTED THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031. BY PUBLIC PROSECUTOR SMT.LALIZA. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 0107-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
rs. THOMAS P. JOSEPH, J ----- B.A.No.4687 of 2014
----- Dated this the 1st day of July, 2014

ORDER

Petitioner is the second accused in Crime No.378 of 2014 of the Thrikkunnappuzha Police Station for the offences punishable under Section 420 r/w Section 34 of the Indian Penal Code, apprehends arrest and has filed the application.

2. Learned Public Prosecutor has opposed the application. It is submitted that on a promise to arrange job for the de facto complainant and his brother abroad, petitioner and accused 1 and 2 collected Rs.2,20,000/- while Rs.50,000/- was collected through the account of the 3rd accused.

3. Learned counsel submits that the allegations are not true. De facto complainant while abroad had collected 5,800/- Riyal from the first accused and when the first accused returned to his native place, he demanded that amount. Thereon, the de facto complainant filed a complaint to the Circle Inspector, Harippad alleging that the first accused and the petitioner had collected Rs.1,50,000/- from him. The petitioner filed B.A.No.980 of 2014 which this Court, as per order dated 21.02.2014 closed on the submission of the B.A.No.4687 of 2014 2 learned Public Prosecutor that no case is registered. Thereafter, the de facto complainant approached to the jurisdictional magistrate with a compliant which was forwarded to the Police for investigation under Section 156(3) of the Cr.P.C. It is also submitted that the accused 1 and 3 are arrested.

4. Having regard to the relevant circumstances above stated, I am inclined to think that custodial interrogation of the petitioner is not required. Hence I am inclined to grant relief but subject to conditions. Application is allowed as under: (i) Petitioner shall surrender before the officer investigating Crime No.378 of 2014 of the Thrikkunnappuzha Police Station on 07.07.2014 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 petitioner on other day/days at all reasonable time and place as may be specified by him which the petitioner shall comply. (iii) In case arrest of the petitioner is recorded, she shall be released by the arresting officer (if not required to be detained otherwise) on her executing bond for 20,000/- (Rupees twenty thousand only) with two sureties for the like sum each before the arresting officer and subject to the B.A.No.4687 of 2014 3 following conditions: (a) One of

the sureties shall be a close relative of the petitioner. (b) Petitioner shall report to the investigating officer as and when required for interrogation at all reasonable time and place. (c) Petitioner shall not get involved in any offence during the period of this bail. (d) Petitioner shall not intimidate or influence the witnesses. (e) Petitioner shall co-operate with investigation of the case. (iv) In case the petitioner violates any of condition Nos. (b) to (e), 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

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