

Mrinalini Vs. State of Kerala

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Court : Kerala

Decided On : Oct-17-2014

Judge : Honourable Mr. Justice B.Kemal Pasha

Appellant : Mrinalini

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE B.KEMAL PASHA FRIDAY,THE17H DAY OF OCTOBER201425TH ASWINA, 1936 Bail Appl.No. 7214 of 2014 ----- CRIME NO. 1664/2014 OF VALAPPAD POLICE STATION, TRISSUR PETITIONER(S)/ACCUSED NOS. 1 & 2: ----- 1. MRINALINI, AGED40YEARS, W/O.RAMAKRISHNAN, ERATTU HOUSE, KAZHIMBRAM, VALAPPAD, THRISSUR DISTRICT.

2. VISHNU, AGED23YEARS S/O.RAMAKRISHNAN, ERATTU HOUSE, KAZHIMBRAM, VALAPPAD, THRISSUR DISTRICT. BY DR.K.P.SATHEESAN, SENIOR ADVOCATE ADV. SRI.ANOOP V. NAIR RESPONDENT(S): ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. THE SUB INSPECTOR OF POLICE, VALAPPAD POLICE STATION, VALAPPAD, THRISSUR DISTRICT. BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-10-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: msv/ B. KEMAL PASHA, J.

..... B.A. No.7214 of 2014
..... Dated this the 17th day of October,
2014

ORDER

~ ~ ~ ~ ~ Petition under Section 438 Cr.P.C.

2. According to the petitioners, they are apprehending arrest in connection with Crime No.1664/2014 of Valappad Police Station registered for the offences punishable under Section 420 IPC and Sections 17 and 18 of the Kerala Money Lenders Act.

3. The allegation against the petitioners is that the de facto complainant had obtained an amount of 10 lakhs for interest from the petitioners and that the petitioners had obtained the title deed in respect of the property of the de facto complainant along with signed blank papers, signed blank cheques and signed blank stamp papers from the de facto complainant. Even though the entire amount with interest was repaid, the documents were not returned by BA.7214/2014 :

2. : demanding more amounts.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor. According to the learned counsel for the petitioners, there was an agreement for sale entered into between one Ajayakumar, who is the friend of the de facto complainant, and the petitioners herein for the sale of a property, and that the petitioners have paid an amount of 8 lakhs as part of consideration. It is further contended that the said agreement is not presently in the possession of the petitioners as the same was snatched away by the de facto complainant. Of course, the said contention cannot be believed at all. There is absolutely nothing

to show that an agreement for sale was executed. The learned counsel for the petitioners submits that the title deed in respect of the property is not with the petitioners.

5. Considering the facts and circumstances of this case, this Court is of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners. BA.7214/2014 :

3. :

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for `1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:- (i) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays, commencing from 24.10.2014 for a period of three months or till the filing of the final report in this case, whichever is earlier. (ii) The petitioners shall not tamper with the evidence or influence witnesses. (iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer. BA.7214/2014 :

4. : (iv) The petitioners shall not involve in any offence while on bail. It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail. Sd/- (B.KEMAL PASHA, JUDGE) aks/17/10 // True Copy // PA to Judge

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