

Surendran Vs. State of Kerala

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Court : Kerala

Decided On : Oct-28-2014

Judge : Honourable Mr. Justice B.Kemal Pasha

Appellant : Surendran

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALAAT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE B.KEMAL PASHA TUESDAY, THE 28TH DAY OF OCTOBER 2014 6TH KARTHIKA, 1936 Bail Appl..No. 5201 of 2014 () ----- CRMC2952014 of SESSIONS COURT, THODUPUZHA CRIME NO. 259/2014 OF VELLATHOOVAL POLICE STATION , IDUKKI PETITIONER(S)/ACCUSED 1 & 2: ----- 1. SURENDRAN, AGED 55 YEARS S/O BHASKARAN, EDAPARAMBATH HOUSE, KONNATHADI VILLAGE ADIMALI, IDUKKI DISTRICT 2 SOBANA SURENDRAN, AGED 52 YEARS W/O SURENDRAN, EDAPARAMBATH HOUSE, KONNATHADI VILLAGE ADIMALI, IDUKKI DISTRICT BY ADVS. SRI.GEO PAUL SRI.SANU MATHEW SRI.C.R.PRAMOD SRI.S.ASHOK KUMAR. SRI.S.ABHILASH VISHNU RESPONDENT(S)/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE SUB INSPECTOR OF POLICE VELLATHOOVAL POLICE STATION, IDUKKI DISTRICT BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM, KOCHI 68203 R BY PUBLIC PROSECUTOR SMT.LALIZA T.Y. THIS BAIL APPLICATION HAVING

COME UP FOR ADMISSION ON 28.10.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: B. KEMAL PASHA, J.

..... B.A. No.5201 of 2014
..... Dated this the 28th day of October,
2014

ORDER

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

2. Petitioners are accused Nos.1 and 2 in Crime No.259/2014 of Vellathooval Police Station registered for the offences punishable under Sections 420, 468 and 471 read with Section 34 IPC.

3. The allegation against the petitioners is that they have forged title deeds and documents and made use of the same as genuine by presenting it at the State Bank of Travancore, Parathodu Branch for the mortgage of the properties, and obtained a loan amount of 22 lakhs.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. The learned counsel for the petitioners has pointed out that the entire amount was repaid by the BA.5201/2014 :

2. : petitioners and the loan account itself was closed. The learned Public Prosecutor also agrees that instructions are there to the above effect. When the amount was repaid and the transactions are closed, the continued investigation of this case can be conducted on the basis of the documentary evidence alone. In a case like this, the custodial interrogation of the petitioners is not required for the continued investigation. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

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 `25,000/- (Rupees twenty five thousand 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:- BA.5201/2014 :

3. : (i) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays, commencing from 31.10.2014 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. (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/28/10

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