

Usha.P vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1382801

Court : Kerala

Decided On : Sep-01-2023

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./7061/2023

Appellant : USHA.P

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 1ST DAY OF SEPTEMBER 2023 / 10TH BHADRA, 1945
BAIL APPL. NO. 7061 OF 2023 CR.NO.324/2023 OF KALADY POLICE
STATION, THE ORDER IN CRMP PERUMBAVOOR

PETITIONERS/ACCUSED NO.2: USHA.P, AGED 50 YEARS,
W/O.SETHUMADHAVAN NAIR, SWATHY PATHIYATTA HOUSE,
MUDAPPALLUR.P.O, VADAKKENCHERRY, ALATHUR, PALAKKAD,
PIN - 678705 BY ADV V.A.JOHNSON (VARIKKAPPALLIL)
RESPONDENT/COMPLAINANT: STATE OF KERALAREPRESENTED
BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031

SRI. NOUSHAD K.A., PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01.09.2023, ALONG WITH Bail Appl..7062/2023 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:2:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 1ST DAY OF SEPTEMBER 2023 / 10TH BHADRA, 1945
BAIL APPL. NO. 7062 OF 2023 CR.NO.325/2023 OF KALADY POLICE
STATION, ORDER IN CRMP PERUMBAVOOR

PETITIONER/ACCUSED NO.2: USHA.P, AGED 50 YEARS,
W/O.SETHUMADHAVAN NAIR, SWATHY PATHIYATTA HOUSE,
MUDAPPALLUR.P.O, VADAKKENCHERRY, ALATHUR, PALAKKAD,
PIN - 678705 BY ADV V.A.JOHNSON (VARIKKAPPALLIL)
RESPONDENT/COMPLAINANT: STATE OF KERALA, REPRESENTED
BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031
SRI. SANGEETHA RAJ, PP THIS BAIL APPLICATION HAVING COME
UP FOR ADMISSION ON 01.09.2023, ALONG WITH Bail
Appl..7061/2023 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING: -:3:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 1ST DAY OF SEPTEMBER 2023 / 10TH BHADRA, 1945
BAIL APPL. NO. 7064 OF 2023 CR.NO.327/2023 OF KALADY POLICE
STATION,ORDER IN CRMP PERUMBAVOOR

PETITIONER/ACCUSED NO.2: USHA.P, AGED 50 YEARS,
W/O.SETHUMADHAVAN NAIR, SWATHY PATHIYATTA HOUSE,
MUDAPPALLUR.P.O, VADAKKENCHERRY, ALATHUR, PALAKKAD,
PIN - 678705 BY ADV V.A.JOHNSON (VARIKKAPPALLIL)
RESPONDENT/COMPLAINANT: STATE OF KERALA, REPRESENTED

BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031
SRI. SANGEETHA RAJ, PP THIS BAIL APPLICATION HAVING COME
UP FOR ADMISSION ON 01.09.2023, ALONG WITH Bail
Appl..7061/2023 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING: -:4:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 1ST DAY OF SEPTEMBER 2023 / 10TH BHADRA, 1945
BAIL APPL. NO. 7066 OF 2023 CR.NO.328/2023 OF KALADY POLICE
STATION, ORDER IN CRMP PERUMBAVOOR

PETITIONER/ACCUSED NO.2: USHA.P, AGED 50 YEARS,
W/O.SETHUMADHAVAN NAIR, SWATHY PATHIYATTA HOUSE,
MUDAPPALLUR.P.O, VADAKKENCHERRY, ALATHUR, PALAKKAD,
PIN - 678705 BY ADV V.A.JOHNSON (VARIKKAPPALLIL)
RESPONDENT/COMPLAINANT: STATE OF KERALA, REPRESENTED
BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031
SRI. SANGEETHA RAJ, PP THIS BAIL APPLICATION HAVING COME
UP FOR ADMISSION ON 01.09.2023, ALONG WITH Bail
Appl..7061/2023 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING: -:5:-

ORDER

B.A.Nos.7061, 7062, 7064 & 7066 of 2023 Dated this the 1st day of September, 2023 These bail applications are filed under Section 439 of the Code of Criminal Procedure seeking regular bail. B.A.No.7061/2023 pertains to Crime No.324/2023 of Kalady Police Station, B.A.No.7062/2023 pertains to Crime No.325/2023 of Kalady Police Station, B.A.No.7064/2023 pertains to Crime No.327/2023 of Kalady Police Station and B.A.No.7066/2023 pertains to Crime No.328/2023 of Kalady Police Station.

2. The applicant is the accused No.2 in all the above crimes. The offences alleged in all the cases are punishable under Sections 406 and 420 read with 34 of the IPC.

3. The allegations are similar in all the cases. The

common allegation is that, the applicant along with the accused No.1 by offering job in Government Revenue Department induced the defacto complainant to part with money and thereafter cheated him without arranging job or returning the money.

4. I have heard the learned counsel for the applicant in -:6:- all the cases and the learned Public Prosecutor. Perused the case diary.

5. The learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the

present case. The counsel further submitted that no materials are on record to connect the applicant with the alleged crime; hence, she is entitled to get bail. On the other hand, the learned Public Prosecutor submitted that the alleged incident occurred as a part of the intentional criminal acts of the applicant, and she is not entitled to bail at this stage.

6. The applicant was remanded to judicial custody on 6.8.2023. The investigation is almost over. The applicant is a

lady. Moreover, the documents produced along with the applications would show that the son of the applicant is a handicapped person. According to the applicant, there is nobody to look after him. For all these reasons, I do not find any reason to hold that the continued detention of the applicant is required for any purpose. Hence, the applicant is entitled to be released on bail.

-:7:- In the result, the applications are allowed on the following conditions: -

(i) The applicant shall be released on bail on executing a

bond for 1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court in each case.

(ii) The applicant shall fully co-operate with the investigation.

(iii) The applicant shall appear before the investigating officer between 10.00 a.m and 11.00 a.m. on every Saturday until further orders. She shall also appear before the investigating officer as and when required.

(iv) The applicant shall not commit any offence of a like nature while on bail.

(v) The applicant shall not attempt to contact any of the

prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The applicant shall not leave the State of Kerala -:8:- without the permission of the trial Court.

(vii) The application, if any, for deletion/modification of the bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court.

Sd/- DR. KAUSER EDAPPAGATH JUDGE kp -:9:- APPENDIX OF BAIL APPL. 7061/2023 PETITIONER ANNEXURES Annexure 1 TRUE COPY OF THE F.I.R.NO.324/2023 OF KALADY POLICE STATION, ERNAKULUM RURAL DATED 02.05.2023 Annexure 2 TRUE COPY OF THE CERTIFICATE FOR THE PERSONS WITH DISABILITIES ISSUED FROM THE DEPARTMENT OF HEALTH SERVICES Annexure 3 TRUE COPY OF THE ORDER IN

CRL.M.P.NO.1891/2023 OF COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-IV, PERUMBAVOOR DATED 09.08.2023 -:10:- APPENDIX OF BAIL APPL. 7062/2023 PETITIONER ANNEXURES Annexure 1 TRUE COPY OF THE CERTIFICATE FOR THE PERSONS WITH DISABILITIES ISSUED FROM THE DEPARTMENT OF HEALTH SERVICES Annexure 2 TRUE COPY OF THE ORDER IN CRL.M.P.NO.1890/2023 OF COURT OF THE JUDICIAL FIRST

CLASS MAGISTRATE-IV, PERUMBAVOOR DATED 09.08.2023 -:11:-
APPENDIX OF BAIL APPL. 7064/2023 PETITIONER ANNEXURES Annexure 1
TRUE COPY OF THE CERTIFICATE FOR THE PERSONS WITH DISABILITIES
ISSUED FROM THE DEPARTMENT OF HEALTH SERVICES Annexure 2 TRUE
COPY OF THE ORDER IN CRL.M.P.NO.1889/2023 OF COURT OF THE
JUDICIAL FIRST CLASS MAGISTRATE-IV, PERUMBAVOOR DATED
09.08.2023 -:12:- APPENDIX OF BAIL APPL. 7066/2023 PETITIONER
ANNEXURES Annexure 1 TRUE COPY OF THE CERTIFICATE FOR THE
PERSONS WITH DISABILITIES ISSUED FROM THE DEPARTMENT OF
HEALTH SERVICES Annexure 2 TRUE COPY OF THE ORDER IN
CRL.M.P.NO.1889/2023 OF COURT OF THE JUDICIAL FIRST CLASS
MAGISTRATE-IV, PERUMBAVOOR DATED 09.08.2023

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