

**Radhakrishnan vs the State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1442664](http://sooperkanoon.com/1442664)

**Court :** Kerala

**Decided On :** Feb-22-2022

**Judge :** Honourable Mr. Justice Gopinath P.

**Appeal No. :** Bail Appl./360/2022

**Appellant :** Radhakrishnan

**Respondent :** The State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.  
TUESDAY, THE 22ND DAY OF FEBRUARY 2022 / 3RD PHALGUNA,  
1943 BAIL APPL. NO. 360 OF 2022 CRIME NO.38/2022 OF  
MANNARKKAD POLICE STATION, PALAKKAD DISTRICT  
PETITIONER/ACCUSED NO.1: RADHAKRISHNAN AGED 55 YEARS  
S/O NARAYANAGUPTHAN, KUNNATH HOUSE, ARAKKURISSI,  
MANNARKKAD P O, PALAKKAD DISTRICT, PIN-678 582. BY ADV  
BABU S. NAIR RESPONDENTS/STATE & COMPLAINANT:

1 THE STATE OF KERALA REPRESENTED BY THE PUBLIC  
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI,

PIN-682 031. 2 THE STATION HOUSE OFFICER, MANNARKKAD POLICE STATION, PALAKKAD DISTRICT, PIN - 678 582. BY SMT.SEETHA.S (SR.PUBLIC PROSECUTOR) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22.02.2022, ALONG WITH Bail Appl..410/2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 22ND DAY OF FEBRUARY 2022 / 3RD PHALGUNA, 1943 BAIL APPL. NO. 410 OF 2022 CRIME NO.38/2022 OF MANNARKKAD POLICE STATION, PALAKKAD DISTRICT PETITIONERS/ACCUSED NOS.2, 4, 5 & 6:

1 T.ABDUL SALAM, AGED 62 YEARS S/O. ABDURAHIMAN MOULAVI, THONIYIL HOUSE, THENKARA P.O., MANNARKKAD, PALAKKAD DISTRICT, PIN - 678 582. 2 MUSTHAFA VARODAN, AGED 48 YEARS, S/O. HASSAINAR, VARODAN HOUSE, PAYYANADAM P.O., MANNARKKAD, PALAKKAD DISTRICT, PIN - 678 583. 3 MUHAMMED @ CHERUTTY, AGED 50 YEARS S/O. HAMZA, MANJALINGAL HOUSE, THRIKALLOOR P.O., CHIRAKKALPADI, MANNARKKAD, PALAKKAD DISTRICT, PIN - 678 593. 4 BASHEER THEKKAN, AGED 48 YEARS, S/O. MUHAMMED, THEKKAN HOUSE, KATTUKULAM, ALANALLUR P.O., MANNARKKAD, PALAKKAD DISTRICT, PIN - 678 601. BY ADV BABU S. NAIR

RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI, PIN - 682 031. 2 THE STATION HOUSE OFFICER, MANNARKKAD POLICE STATION, PALAKKAD DISTRICT, PIN - 678 582. BY SMT. SEETHA.S (SR.PUBLIC PROSECUTOR) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22.02.2022, ALONG WITH Bail Appl..360/2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## ORDER

These are applications for anticipatory bail.

2. Petitioners are the accused in Crime No.38 of 2022 of

Mannarkkad Police Station, Palakkad District, alleging commission of offences under Sections 464, 468 and 471 read with Section 34 of the Indian Penal Code. The petitioner in Bail Application No.360 of 2022 is the 1st accused, while the petitioners in Bail Application No.410 of 2022 are accused Nos.2, 4, 5 and 6.

3. The de-facto complainant was elected as the President

of the Mannarkkad Block Panchayat. It is submitted that the Mannarkkad Block Panchayat consists of 18 members, out of which 12 members belong to the UDF and 6 members belong to the LDF. It is submitted that the de-facto complainant was a member of the Muslim League. It is submitted that 11 out of the 12 members forming the UDF in the Block Panchayat had moved a motion of no confidence against the de-facto complainant, which was to be taken up on 20.11.2021. It is submitted that the de-facto complainant took up the matter with the State

Leadership of the Muslim league and agreed that she would resign on 20.12.2021, if the no confidence motion against her was withdrawn. It is submitted that she also submitted a attested resignation letter to the State Secretary of the Muslim League, following which the no confidence motion was withdrawn. It is submitted that since a new no confidence motion could be taken up only after 6 months, the de-facto complainant, who is also stated to be a practicing Advocate sent a communication to the 1st accused, who is the Secretary of the Block Panchayat, stating that no action should be taken on any resignation letter purportedly made by her, as she has not executed any resignation letter. The 1st accused, thereafter, received the resignation letter of the de-facto complainant expressing her desire to resign as President of the Block Panchayat with effect from 20.12.2021. On account of the communication sent by the de-facto complainant that she had not executed any resignation letter and on account of the fact that

such a resignation letter was received by the Secretary of the Block Panchayat (1st

accused), he forwarded the same to the State Election Commission, who by Annexure D order in Bail Application No.360 of 2022 took the view that the resignation letter was not in

proper form. It is submitted that following the decision of the State Election Commission, the de-facto complainant is still continuing as President of the Block Panchayat. It is submitted that thereafter, the de-facto complainant has filed a complaint against the petitioners in these cases alleging that they had forged her resignation letter, following which Crime No.38 of 2022 of Mannarkkad Police Station has been registered.

4. The learned Public Prosecutor has submitted that

going by the complaint given by the de-facto complainant, she had not executed any resignation letter and the same was fabricated by the accused or some among them. It is submitted that there is difference in the signatures of the de-facto complainant in Annexures A and B in Bail Application No.360 of 2022 . It is submitted that the matter is under investigation and

the true picture can be ascertained only after thorough investigation.

5. Having regard to the facts and circumstances of the

case and considering the nature of the allegations raised against the petitioners, I am convinced that the custodial interrogation of the petitioners is not necessary in the matter. The allegations are ones that can be proved by documents, if at all they are true.

6. In the result, these bail applications are allowed and it

is directed that the petitioners shall be released on bail, in the event of their arrest in connection with Crime No.38 of 2022 of Mannarkkad Police Station, Palakkad District, subject to the following conditions: (i)Petitioners shall execute separate bonds for sums of Rs.50,000/- (Rupees fifty thousand) each with two solvent

sureties each for the like sum to the satisfaction of the Jurisdictional Court;

(ii) Petitioners shall report before the investigating officer in Crime No.38 of 2022 of Mannarkkad Police Station, Palakkad District, at 10.00AM on 04.03.2022 and thereafter, whenever called upon to do so;

(iii) Petitioners shall not attempt to interfere with the investigation or to influence or intimidate the de-facto complainant or any witness in Crime No.38 of 2022 of Mannarkkad Police Station, Palakkad District;

(iv) Petitioners shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime No.38 of 2022 of Mannarkkad Police Station, Palakkad District, may file an application before the Jurisdictional Court, for cancellation of bail. Sd/- GOPINATH P. JUDGE DK

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