

**Latha vs State of Kerala**

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**Court :** Kerala

**Decided On :** Feb-16-2022

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

**Appeal No. :** Bail Appl./484/2022

**Appellant :** LATHA

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.  
WEDNESDAY, THE 16TH DAY OF FEBRUARY 2022 / 27TH MAGHA,  
1943 BAIL APPL. NO. 484 OF 2022 CRIME NO.990/2016 OF  
KADAKKAVOOR POLICE STATION AGAINST THE  
ORDER/JUDGMENT IN CRMC 3167/2021 OF ADDITIONAL DISTRICT  
COURT & SESSIONS COURT - V, THIRUVANANTHAPURAM / II  
ADDITIONAL MACT

PETITIONER/ACCUSED NO.2: LATHA AGED 51 YEARS W/O.  
POONTHANAM, KRISHNAKRIPA, NEAR CHAVADIVILAKOM,  
KOONTHALLOOR, CHIRAYINKEEZHU, THIRUVANANTHAPURAM 695  
BY ADV M.R.SARIN RESPONDENTS/STATE/DE FACTO

COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031 2 THE STATION HOUSE OFFICER KADAKKAVOOR POLICE STATION, THIRUVANANTHAPURAM 695 306 OTHER PRESENT: SRI. T.R. RENJITH (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.484/2022 2

## **ORDER**

This is an application for anticipatory bail

2. The petitioner is the accused in Crime No.990/2016 of Kadakkavoor Police Station alleging commission of offences under Sections 324, 306, 420 & 463 r/w. Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that the petitioner

together with the 1st accused in the case had fraudulently and dishonestly induced one Usha Kumari (hereinafter referred to as the deceased) to obtain loans from financial institutions by mortgaging her property and pledging her gold ornaments and had misused the amounts received, as a result of which the financial institution in question had initiated proceedings against the

deceased. It is submitted that the fraudulent activities of the petitioner together with the 1st accused (husband of the petitioner) who was himself an employee of a Co-operate bank had driven the deceased to suicide.

4. The learned Counsel appearing for the petitioner submits that

though the crime was registered in the year 2016 and despite the fact that the case had been investigated by 5 different investigating officers in the Crime Branch, the petitioner had not been arrayed as an accused in the matter. It is submitted that even assuming that the allegations against the 1st accused are correct, the petitioner had no role whatsoever in the matter. It is submitted that the petitioner had not obtained any benefit from the loans allegedly availed using the

valuables of the deceased by the 1 st accused. It is submitted

B.A.No.484/2022 3 that the 1st accused was already arrested and released on bail and the custody of the petitioner is absolutely not necessary for the purposes of any investigation.

5. The learned Public Prosecutor vehemently opposes the grant of

bail. It is submitted that the deceased was a married lady, whose husband was living and working abroad. It is submitted that, without the knowledge of the husband of the deceased, the petitioner together with the 1 st accused had compelled the deceased to execute various documents, using which they availed loans and other benefits from financial institutions and thereby they cheated the deceased. It is submitted that when all the fraud came to light,

the deceased was compelled to commit suicide. It is submitted that the custodial interrogation of the petitioner is absolutely essential in the matter. It is also submitted that the deceased was allegedly assaulted by accused 1 and 2 on the day previous to her death. Having regard to the facts and circumstances of the case and considering the nature of the allegations, I am not inclined to grant anticipatory bail to the petitioner as her custodial interrogation may be absolutely necessary to bring out the truth of the matter. In the result, this bail application will stand dismissed. Sd/- GOPINATH P. JUDGE acd

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