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Rezia vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1871677

Court : Kerala

Decided On : Mar-29-2019

Judge : Honourable Mr. Justice B.Sudheendra Kumar

Appeal No. : Bail Appl./1393/2019

Appellant : REZIA

Respondent : State of Kerala

Judgement :

CRIME NO. 248/2018 OF Kunnamkulam Police Station , Thrissur PETITIONERS/ ACCUSED 4 & 5 1 REZIA AGED 44 YEARS, W/O. ABDUL JAMAL, KARUPPAMVEETIL HOUSE, CHIRANELLUR DESOM AND VILLAGE, TALAPPILLY TALUK, P.O., CHIRANELLUR, PIN -680 501. THRISSUR DISTRICT. 2 SHAMSUDHEEN, AGED 57 YEARS, S/O. MUHAMMED, KARUPPAMVEETIL HOUSE, CHIRANELLUR DESOM AND VILLAGE, TALAPPILLY TALUK, P.O., CHIRANELLUR, PIN - 680 501. THRISSUR DISTRICT. RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA AT ERNAKULAM. ADDL. HARID, R2 AGED 38 YEARS, S/O HUSSIN, TEACHAN HOUSE, VADANAPPILLY VILLAGE, DESAM, CHAVAKKAD TALUK, THRISSUR DISTRICT-680518. ADDL R2 IS IMPLEADED AS PER ORDER DATED 8/3/19 IN CRL.MA 1/2019.

SRI.C.S.HRITHWIK, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.03.2019, ALONG WITH Bail Appl..1345/2019, Bail Appl..1380/2019, Bail Appl..1392/2019, Bail Appl..1393/2019, Bail Appl..1400/2019, Bail Appl..1404/2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -2- Bail Appl..No. 1345 of 2019 CRIME NO.1004/2018 OF Kunnamkulam Police Station, Thrissur PETITIONERS/ACCUSED 4 & 5: 1 REZIA AGED 44 YEARS, W/O. ABDUL JAMAL, KARUPPAMVEETTIL HOUSE, CHIRANELLUR DESOM AND VILLAGE, TALAPPILLY TALUK, P.O., CHIRANELLUR, PIN-680 501, THRISSUR DISTRICT. 2 SHAMSUDHEEN, AGED 57 YEARS, S/O. MUHAMMED, KARUPPAMVEETTIL HOUSE, CHIRANELLUR DESOM AND VILLAGE, TALAPPILY TALUK, P.O., CHIRANELLUR, PIN -680 501, THRISSUR DISTRICT. RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA AT ERNAKULAM. ADDL. MUHAMMED, AGED 62 YEARS, R2 S/O. ANU, KARANGAL HOUSE, CHRAMANEGAD VILLAGE, PANNITHADAM DESAM, THALAPPILLY TALUK, THRISSUR DISTRICT-680 584 ADDL.R2 IS IMPLEADED AS PER ORDER DATED SMT.V.SREEJA, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.03.2019, ALONG WITH CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -3- Bail Appl..No. 1380 of 2019 CRIME NO.443/2018 OF Erumapetty Police Station, Thrissur PETITIONERS/ACCUSED 3 & 4:

1 REZIA, AGED 44 YEARS W/O. ABDUL JAMAL, KARUPPAMVEETTIL HOUSE, CHIRANELLUR DESAOM AND VILLAGE, TALAPPILLY TALUK, P.O. CHIRANELLUR, PIN-680501, THRISSUR DISTRICT. 2 SHAMSUDHEEN,AGED 57 YEARS S/O. MUHAMMED, KARUPPAMVEETTIL HOUSE, CHIRANELLUR DESOM AND VILLAGE, THALAPPILLY TALKU, P.O. CHIRANELLUR, PIN-680501, THRISSUR DISTRICT.

RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNKULAM, KOCHI-682031. ADDL. HABEEBA R2 AGED 48 YEARS, W/O ABDULLA HAJI, CHATHAMKULAM

HOUSE, KARIYANNUR VILLAGE AND DESSAM, ERUMAPETTY, THALAPPILLY TALUK, THRISSUR DISTRICT-680584. ADDL. R2 IS IMPLEADED AS PER ORDER DATED 8.3.2019 IN CRL.MA NO.1.2019. SRI.C.S. HRITHWIK, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.03.2019, ALONG WITH CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -4- Bail Appl..No. 1392 of 2019 CRIME NO.444/2018 OF Erumapetty Police Station, Thrissur PETITIONERS/ACCUSED 3 & 4: 1 REZIA, AGED 44 YEARS W/O. ABDUL JAMAL, KARUPPAMVEETTIL HOUSE, TALUK, P.O. CHIRANELLUR, PIN-680 501, 2 SHAMSUDHEEN, AGED 57 YEARS S/O. MUHAMMED, KARUPPAMVEETTIL HOUSE, TALUK, P.O. CHIRANELLUR, PIN-680 501, RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, AT ERNAKULAM. ADDL. KADHEEA R2 AGED 68 YEARS, W/O SULAIMAN, CHEMBETHETHIL HOUSE, MARATHUKUNNU VILLAGE, KARAMATHRA DESOM, ERUMAPETTY, THALAPPILLY TALUK, ADDL.R2 IS IMPLEADED AS PER ORDER DATED 8.3.2019 IN CRL.MA NO.1/2019 IN BA NO.1392/2019. SRI.C.S. HRITHWIK, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.03.2019, ALONG WITH CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -5- Bail Appl..No. 1393 of 2019 CRIME NO.441/2018 OF Erumapetty Police Station, Thrissur PETITIONERS/ACCUSED 1& 3: 1 REZIA, AGED 44 YEARS W/O. ABUDL JAMAL, KARUPPAMVEETTIL HOUSE, TALUK, P.O., CHIRANELLUR, 680 501. 2 SHAMSUDHEEN,AGED 57 YEARS S/O. MUHAMMED, KARUPPAMVEETTIL HOUSE, TALUK, P.O.,CHIRANELLUR,680 501, RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA AT ERNAKULAM. ADDL. NAJEEB, AGED 34 YEARS, S/O K.A MUHAMMED, R2 KARANGAL HOUSE, VELLARAKKAD VILLAGE, THANGALPADI DESAM, ERUMAPETTY, THALAPPILLY TALUK, THRISSUR DISTRICT. ADDL.R2 IS IMPLEADED AS PER ORDER DATED 8.3.2019 IN CRL.MA NO.1/2019 IN BA 1393/2019 SMT.C.S.SREEJA, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.03.2019, ALONG WITH CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -6- Bail

Appl..No. 1400 of 2019 CRIME NO.442/2018 OF Erumapetty Police Station, Thrissur PETITIONERS/ACCUSED 2 & 3: 1 SHAMSUDHEEN,AGED 57 YEARS S/O.MUHAMMED, KARUPPOAMVEETTIL HOUSE, TALUK, P.O., CHIRANELLUR, PIN-680501, 2 REZIA, AGED 44 YEARS W/O.ABDUL JAMAL, KARUPPAMVEETTIL HOUSE, TALUK.P.O. CHIRANELLUR, PIN-680501. RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA AT ERNAKULAM. ADDL. SHABEER, AGED 31 YEARS, S/O MUHAMMED, R2 KARENGIL HOUSE, VCHIRAMNEGAD VILLAGE AND DESAM, ERUMAPETTY, THALAPPILLY TALUK, THRISSUR DISTRICT-680584. ADDL.R2 IS IMPLEADED AS PER ORDER DATED 8.3.19 IN CRL.MA NO.1/2019 IN BA NO. 1400/2019. SMT.V.SREEJA,PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.03.2019, ALONG WITH CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -7- Bail Appl..No. 1404 of 2019 CRIME NO. 440/2018 OF Erumapetty Police Station , Thrissur PETITIONERS/ACCUSED 2 & 3: 1 REZIA,AGED 44 YEARS W/O ABDUL JAMAL, KARUPPAMVEETTIL HOUSE, TALUK P.O.CHIRANELLUR PIN 680 501, THRISSUR DISTRICT. 2 SHAMSUDHEEN,AGED 57 YEARS S/O MUHAMMED, KARUPPAMVEETTIL HOUSE, TALUK P.O.CHIRANELLUR PIN 680 501, THRISSUR DISTRICT. RESPONDENT/S: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT ERNAKULAM. ADDL. SOWBHA NOUFAL, AGED 38 YEARS, W/O NOUFAL, R2. PATHIYARAKKAL HOUSE, VELLARAKKAD VILLAGE, THANGALPADI DESAM, ERUMAPETTY, THALAPPILLY TALUK, THRISSUR DISTRICT-680584. ADDL.R2 IS IMPLEADED AS PER ORDER DATED SRI.C.S.HRITHWIK, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.03.2019, ALONG WITH CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -8-

O R D E R

[Bail Appl. 1336/2019 ,Bail Appl..1345/2019 ,Bail Appl..1380/2019 ,Bail Appl..1392/2019 ,Bail Appl..1393/2019 ,Bail Appl..1400/2019

,Bail Appl..1404/2019] The petitioners in Bail Application Nos. 1404/2019 accused in Crime Nos.440/2018, 441/2018, 442/2018, and the petitioners in Bail Application Nos.1345/2019 and 1336/2019 are the accused in Crime Nos.1004/2018 and 248/2018 of Kunnamkulam Police Station. All the above said cases were registered under Sections 420 and 406 IPC read with Section 34 IPC.

2. The common allegation in all the above said

crimes is that the 1st accused, who is the Chairman of the -9- Mohammad Yaseen Trust had deceived the defacto complainant concerned by accepting deposits and without repaying the same even after the stipulated time. The 1st accused is the Chairman of the above said Trust. It is alleged that the deposits were received by the Chairman for the Trust. The bonds were also executed by the Chairman of the Trust. It is alleged that the money was collected by the 1st accused for and on behalf of all the accused.

3. The petitioners have filed the above said bail applications under Section 438 Cr.P.C.

4. Heard.

5. It is not disputed that the petitioners are not

trustees of the above said Trust. It is also not disputed that the petitioner, Smt.Razia is the wife and the petitioner, Sri.Shamsudheen is the brother of the 1 st accused in the crime. The 1st accused was arrested on -10- 09.12.2018 and thereafter, he was released on bail by this Court as per order dated 30.01.2019 in B.A. No.8783/2018. It appears from the said order that sufficient security was directed to be furnished by the trustees including the 1st accused. Having gone through the relevant inputs, it appears that the petitioners have no active role in the business of the Trust or the collection of money by the 1st accused. It further appears that the petitioners have no active role in not repaying the money by the 1st accused to the respective defacto complainant even after the amount got matured. Having gone through the relevant inputs, I am of the view that the custodial interrogation of the petitioners is not necessary in the above said crimes.

In the said circumstances, an order under Section 438 Cr.P.C. in favour of the petitioners will be justified. -11- In the result, these applications stand allowed and the 1st respondent is directed to release the petitioners on bail in each of the above said crimes on condition of the petitioners executing a bond for Rs.35,000/- (Rupees thirty five thousand only) each, with two solvent sureties each, each for the like sum to the satisfaction of the Station House Officer concerned, before whom the petitioners shall surrender within fifteen days, if not arrested in the meantime and subject to the following further conditions:

1. The petitioners shall report before the Investigating Officer as and when required by the Investigating Officer for interrogation.

2. The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation. -12-

3. The petitioners shall not get involved in similar offences during the pendency of this case. Sd/- B.SUDHEENDRA KUMAR JUDGE Nkr/29.03.19

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