

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**FRIDAY, THE 31ST DAY OF OCTOBER 2014/9TH KARTHIKA, 1936**

**Bail Appl..No. 7059 of 2014**

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CRIME NO.1877 OF 2014 OF THIRUVALLA POLICE STATION,  
PATHANAMTHITTA DISTRICT.**

**...**

**PETITIONER/ACCUSED:**

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**BEENA GEORGE, AGED 48 YEARS,  
PANAMPALLIL HOUSE, PALIAKKARA MURI,  
THIRUVALLA VILLAGE.**

**BY ADVS.SRI.T.P.PRADEEP  
SRI.P.K.SATHEES KUMAR**

**RESPONDENT(S)/COMPLAINANTS:**

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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA.**
- 2. SUB INSPECTOR OF POLICE,  
THIRUVALLA - 689 101.**

**BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 31-10-2014, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**mbr/**

**B.KEMAL PASHA, J.**

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**B.A.No.7059 of 2014**  
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Dated this the 31<sup>st</sup> day of October, 2014

**ORDER**

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.1877 of 2014 of the Thiruvalla Police Station registered for the offences punishable under Sections 447, 427 and 379 r/w Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and other accused is that some time in between 09.00 a.m. and 10.00 a.m. On 16.09.2014, the petitioner and other accused committed trespass into the shop of the de facto complainant, and destroyed the business records and committed theft of an amount of Rs.50,000/- kept in the table and batteries worth Rs.7 lakhs.

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

5. Learned counsel for the petitioner has pointed out that the petitioner is the landlady of the shop wherein the de facto complainant was a tenant. There were disputes between

the parties, and civil suites are also pending. Earlier the manager of the de facto complainant had attacked the petitioner and outraged her modesty, for which a crime was registered. After obtaining anticipatory bail in the said crime, the present complaint was preferred by the de facto complainant before the Deputy Superintendent of Police, Thiruvalla, which has ultimately resulted in the registration of the present crime. The investigating officer has reported that as no records have been made available, there is absolutely nothing to show as what was the amount, if any, inside the shop or stock in the shop.

6. Considering the facts and circumstances of the case, the pendency of civil litigations between the parties and the other crime registered at the instance of the petitioner, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of her arrest on her executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the

officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Tuesdays and Fridays commencing from 04.11.2014 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make herself available for interrogation as and when required by the investigating officer.

(iv) The petitioner 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.**

AS

/True copy/

P.A. to Judge

