

IN THE COURT OF SESSION, KOTTAYAM

Present : Sri.N. Harikumar, Sessions Judge

Thursday, the 10th day of August, 2023
19th Sravana, 1945

Criminal M.P. No.2136/2023

(Crime No.981/2023 of Kaduthuruthy Police Station)

Petitioner :

Soosan Garvasis,
Aged 55 years,
W/o. Garvasis,
Poykkaran Kalayil House,
Kothanalloor Kara,
Manjoor Village,
Kottayam District.

By Advocate Sri.Roy Jose

Counter Petitioner :

Station House Officer,
Kaduthuruthy Police Station, rep. by
Public Prosecutor, Kottayam.

By Public Prosecutor Sri.Sunny George Chathukulam

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

This Crl.M.P. having been finally heard on 08.08.2023 and the
Court on 10.08.2023 passed the following :

ORDER

The above numbered petition is for pre-arrest bail under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.981/2023 of Kaduthuruthy Police Station. The offences alleged against the petitioner are punishable under Secs.420 and 465 r/w.34 of the Indian Penal Code.

3. The allegation is that, the petitioner, who is the Vice President of Manjoor Grama Panchayat, after having secured the identity cards of five women, in collusion with the second accused in the crime, who is the Manager of the Kerala Gramin Bank, Kuruppanthara Branch, had created joint liability in the name of those women and after having secured their signatures, had taken loan of Rs.2,50,000/- and thereafter, without repaying the loan, had committed cheating.

4. The learned counsel appearing for the petitioner submits that, the allegations are absolutely false and fabricated and that, no such loan was availed by the petitioner, as alleged. That, the allegations being related with banking transaction,

custodial interrogation of the petitioner is not necessary for the purpose of investigation and that, the petitioner is ready to co-operate with the investigation and to abide by any condition imposed by this Court.

5. The learned Public Prosecutor also would submit that, custodial interrogation of the petitioner may not be warranted for the purpose of investigation. Learned Public Prosecutor pressed for stringent conditions in the event of bail being granted.

6. Perused the report submitted by the Investigating Officer.

7. Having considered the nature of the allegations levelled against the petitioner and the submission coming from the part of the learned Public Prosecutor, custodial interrogation being not necessarily warranted, I am inclined to allow this petition, subject to conditions.

In the result, this CrI.M.P. is allowed. The petitioner shall appear before the Investigating Officer at 10 a.m. on 12.08.2023, on which occasion, after interrogation, if any required, she shall be released on bail, subject to the following

conditions :

- (1) The petitioner shall execute bail bond for ₹25,000/- (Rupees Twenty five thousand only), with two solvent sureties, each for the like sum to the satisfaction of the Arresting Officer.
- (2) She shall co-operate with the investigation and shall appear before the Investigating Officer on every Monday, between 10 a.m. and 12 noon, and on all such occasions as demanded by the Investigating Officer in writing to do so, until the submission of the final report.
- (3) She shall not interfere with the investigation, nor shall she influence or threaten any witness or destroy or tamper with any evidence.
- (4) She shall not get involved in any other crime while on bail.
- (5) Violation of any of the conditions stipulated above would result in the cancellation of this Order granting pre-arrest bail.

Dictated to the Confdl. Asst., transcribed and typed by her, corrected by me and pronounced in open Court, on this the 10th day of August, 2023.

Sd/-
N. Harikumar
Sessions Judge

Copied by :

Compared by :

Order in
Crl. M.P. No.2136/2023
Dated : 10.08.2023