

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 26TH DAY OF OCTOBER 2023 / 4TH KARTHIKA, 1945

BAIL APPL. NO. 2805 OF 2023

CRIME NO.1346 OF VANCHIYOOR POLICE STATION, THIRUVANANTHAPURAM

DISTRICT

PETITIONERS/ACCUSED NOS.1 TO 3:

- 1 NIJESH CHANDRAN,
AGED 38 YEARS,
S/O RAMACHANDRAN NAIR, ANADIYIL VAISHAK, PULLIKANAKKU
P.O. SOUTH MANKUZHY, KAYAMKULAM, ALAPPUZHA - 690 537.
- 2 ANJALI BABU P.,
AGED 33 YEARS,
W/O NIJESH CHANDRAN, ANADIYIL VAISHAK, PULLIKANAKKU
P.O. SOUTH MANKUZHY, KAYAMKULAM, ALAPPUZHA - 690 537.
- 3 REMA R. NAIR,
AGED 66 YEARS,
W/O RAMACHANDRAN NAIR, ANADIYIL VAISHAK, PULLIKANAKKU
P.O., SOUTH MANKUZHY, KAYAMKULAM, ALAPPUZHA - 690 537.
BY ADVS.
S.SHANAVAS KHAN
S.INDU
KALA G.NAMBIAR

RESPONDENT/COMPLAINANT:

- 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
- 2 ADDL R2 ASWATHY.J,
KNRA-406, LAL HOUSE, MADHAVA MANDIRAM LANE, KARTHIKA
NAGAR, PETTAH.P.O., THIRUVANANTHAPURAM - 695 024
(IMPLEADED AS ADDL R2 AS PER ORDER DTD 31/7/23 IN CRL
MA 1/23)
BY ADVS.

R2 BY ADV. SUMAN CHAKRAVARTHY

R1 BY SRI G. SUDHEER (PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
26.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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ORDER

This is an application for anticipatory bail.

2. Petitioners are accused in Crime No.1346 of 2023 of Vanchiyoor Police Station, Thiruvananthapuram District, alleging commission of offences under Sections 406 and 420 read with Section 34 of the Indian Penal code. The allegation is that the 1st petitioner registered his profile on a matrimonial site claiming to be a Medical Doctor by profession. Since the profile of the de-facto complainant was also uploaded on the site, a proposal for marriage was exchanged between them and the 1st petitioner along with petitioners 2 and 3 visited the house of the de-facto complainant as if they had gone there for the purpose of fixing the marriage of the 1st petitioner with the de-facto complainant. It is alleged that the 2nd petitioner is none other than the wife of the 1st petitioner and the 1st petitioner had purposefully put up his profile on the matrimonial site only to deceive persons like the de-facto complainant. The 3rd petitioner is the mother of the 1st petitioner. It is alleged that after the 1st petitioner thereafter developed a friendship with the de-facto complainant and the 1st petitioner convinced the de-facto complainant that some money was urgently

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required for the medical treatment of the father of the 1st petitioner and obtained 150 sovereigns of gold from the de-facto complainant and pledged the gold in some financial institutions and obtained loans from such financial institutions. It is alleged that the money received as loan was transferred to the account of the 1st petitioner with the State Bank of India.

3. The learned counsel for the petitioners would submit that the petitioners are absolutely innocent in the matter. It is submitted that the 1st petitioner was having certain business relationships with the de-facto complainant. It is submitted that the de-facto complainant was engaged in the money lending business and the 1st petitioner was working as a collection agent. It is submitted that owing to a falling apart of the business relationships between the 1st petitioner and the de-facto complainant, a false case has been registered against the petitioners. It is submitted that the petitioners 2 and 3 had been purposefully made accused in the case only to put pressure on the 1st petitioner to settle other disputes with the de-facto complainant. It is submitted that the story put forth by the de-facto complainant is unbelievable and no one would ever hand over 150 sovereigns of gold even before any marriage was fixed between the 1st petitioner

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and the de-facto complainant. It is also submitted that in respect of an incident which took place in the year 2019, the First Information Statement which led to registration of the above crime was given only in the year 2023.

4. The learned Public Prosecutor and the learned counsel appearing for the de-facto complainant would vehemently oppose the grant of bail. It is submitted that this is a clear case of cheating. It is submitted that the 1st petitioner, who was already married, had put up a fake profile on a matrimonial website claiming himself to be a Medical Doctor. It is submitted that this is a *modus operandi* of fraudsters like the petitioners, who put up false profiles on matrimonial sites, in order to cheat persons who may fall prey to their fraud, as in this case.

5. The learned counsel for the de-facto complainant submits that initially the de-facto complaint had submitted a complaint before the Vanchiyoor Police Station, on which no action was taken by the police as a close relative of the 1st petitioner was working in the very same Police Station. It is submitted that thereafter the de-facto complainant filed a complaint before the State Police Chief and thereafter the crime came to be registered after conducting a preliminary enquiry. It is submitted that the

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preliminary enquiry has shown that the allegations against the petitioners are correct.

6. The learned counsel appearing for the petitioners would submit that if this Court is not inclined to grant bail to all the petitioners, at least petitioners 2 and 3 may be granted bail considering the fact that they are women and also considering the fact the 3rd petitioner, who is the mother of the 1st petitioner, is aged 66.

7. Having heard the learned counsel for the petitioners, the learned Public Prosecutor and the learned counsel appearing for the de-facto complainant, I am of the view that the petitioners are not entitled to bail. The allegations against the petitioners are as noticed above. According to the de-facto complainant, the 1st petitioner along with petitioners 2 and 3 had gone to the house of the de-facto complainant as if it was to fix the marriage between the 1st petitioner and the de-facto complainant. The 2nd petitioner was, according to the learned counsel for the de-facto complainant, introduced as the sister-in-law of the 1st petitioner. Though the submission of the learned counsel for the petitioners that at least petitioners 2 and 3 may be granted bail would have normally found favour of this Court, I am not inclined to exercise my

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discretion to grant bail to the petitioners 2 and 3 on account of the fact that they are women and the fact that the 3rd petitioner is aged 66, on account of the fact that there are clear allegations against them also in the First Information Statement of the de-facto complainant, I am not inclined to do so. It is astonishing that the wife of the 1st petitioner (2nd petitioner) had accompanied the 1st petitioner and the 3rd petitioner to the house of the de-facto complainant as if the visit was to finalize the marriage between the 1st petitioner and the de-facto complainant. These facts therefore indicate that the contention of the learned Public Prosecutor and the learned counsel appearing for the de-facto complainant that the petitioners are all engaged in cheating the persons like the de-facto complainant by putting up fake profiles on matrimonial websites cannot be ruled out at this stage.

Therefore, I am not inclined to grant anticipatory bail to the petitioners and the bail application is accordingly dismissed.

Sd/-

**GOPINATH P.
JUDGE**

DK