

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE SUNIL THOMAS

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

Bail Appl..No.264 of 2015

CRIME NO.NOT KNOWN IN VELLATHUVAL POLICE STATION,IDUKKI.

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PETITIONER:

**BENNY THOMAS,AGED 29 YEARS,S/O.THOMAS,
KALAPURACKAL HOUSE,MANKOOVA KARA,
KONNATHADY VILLAGE,UDUMBANCHOLA TALUK,
IDUKKI DISTRICT.**

BY ADV.SRI.PADAYATTEE YELDO

RESPONDENT/COMPLAINANT:

**SUB INSPECTOR OF POLICE,
VELLATHOOVAL POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.MADHUBEN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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SUNIL THOMAS, J.

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B.A.No.264 of 2015

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Dated this the 10th day of July, 2015

ORDER

The second accused in Crime No.560 of 2014 of the Vellathooval Police Station for offences punishable under Sections 418 and 468 r/w Section 34 of the Indian Penal Code is the petitioner herein. Even though in the complaint, there is only a bare statement that he anticipates arrest in a case, of which details are not-mentioned, since the learned Public Prosecutor has submitted that he stands as an accused in the above case, I am inclined to pass orders in this application, notwithstanding the fact that crime number, police station and the relevant provisions of the offences are not mentioned.

2. The allegation of the de facto complainant, who is the sister of the petitioner, is that the second accused criminally conspired with the first accused who is his cousin, forged certain documents including the death certificate of the father of the de facto complainant and the documents relating to ownership of the disputed land and claimed compensation from the KSEB. A private complaint was laid before the local magistrate who referred the

matter to the police invoking Section 156(3) of the Code of Criminal Procedure. The police have registered crime and is investigating. Apprehending arrest, the second accused has preferred this application seeking pre-arrest bail.

3. Heard and examined the records.

4. The crux of the allegation against the accused is that he claimed compensation from the KSEB in relation to the disputed property by creating documents of title. It appears from the records as is available, that the first accused has received compensation. However the allegation is that the second accused has also conspired with the first accused. Since the documents, which are alleged to have been forged, are available on the records of the KSEB and prima facie it is to be presumed that the KSEB released compensation after due and proper enquiry at that point of time, I feel that custodial interrogation of the applicant herein may not be warranted. Hence, I am inclined to grant bail to the applicant subject to the following conditions:

(i) Applicant who is the second accused shall appear before the Investigating Officer on 21.07.2015 between 9 a.m and 10 a.m. After undergoing interrogation, in the event of of the

Investigating Officer feeling that he is liable to be arrested, he shall be released on bail on executing a bond for Rs.40,000/- (Rupees forty thousand only) with two sureties for the like sum each.

(ii) Applicant shall appear before the investigating agency as and when called for, co-operate with the investigation, which includes the production of documents which are essential for the investigation and which the Investigating Officer feels, are in the possession of the applicant herein.

(iii) Applicant shall not threaten, coerce or intimidate any of the witnesses and the de facto complainant.

Sd/-

SUNIL THOMAS
Judge

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