

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Bail Appl.No. 1271 of 2015

CRIME NO. 236/2015 OF POOYAPALLY POLICE STATION, KOLLAM
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PETITIONER(S):

**JOHN THOMAS, AGED 43 YEARS,
S/O.Y.THOMAS, SALOM BHAVAN, CHERUVAKKAL P.O.,
AYOOR (VIA), KOLLAM DISTRICT.**

BY ADV. SRI.ALEXANDER GEORGE

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
POOYAPPALLY POLICE STATION,
KOLLAM DISTRICT - 691 506.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
18-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A.No.1271 of 2015

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Dated this the 18th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the accused in Crime No.236 of 2015 of the Pooyappally Police Station, registered for the offences punishable under Sections 463, 464 and 468 of the Indian Penal Code.

3. It is alleged that the petitioner had obtained a settlement deed executed in his name from the defacto complainant, who is his father, for enabling the petitioner to put up a building in it. It is alleged that the petitioner has forged the signature of the defacto complainant in some other documents and issued forged letters to some banks by calling for information as if such letters were issued by the defacto complainant.

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

5. The crime has been registered on the basis of a private complaint filed by the defacto complainant before the

Judicial First Class Magistrate's Court-II, Kottarakkara, which was referred to the Police under Section 156(3) Cr.P.C. It seems that when the settlement deed was executed by the defacto complainant in favour of the present petitioner, it had resulted in an ill-will towards him from the part of the elder brother of the petitioner, which has ultimately resulted in the filing of the private complaint. Considering the facts and circumstances of the case and the present stage of the investigation, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. No criminal antecedents have been reported against the petitioner. Considering all the above, 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 his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand 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) Petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Wednesdays and Saturdays commencing from 25.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iii) Petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) 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

DSV/18/3/15

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P.A. To Judge

