

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Bail Appl.No. 2165 of 2015

CRIME NO. 1204/2014 OF MATTANCHERRY POLICE STATION, ERNAKULAM
.....

PETITIONER(S)/ACCUSED:

**M.M.GEROG, AGED 50,
S/O MATHAI, MOOLAMKUZHI HOUSE, CHERANALLOOR,
KOCHI-682 537.**

BY ADV. SRI.PRAVEEN K. JOY

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
05-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. RAMAKRISHNAN, J.

B.A. No.2165 of 2015

Dated this the 5th day of May, 2015

O R D E R

This is an application from regular bail filed by the sole accused in Crime No.1204/2014 of Mattancherry Police Station of Ernakulam District under Section 439 of Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that the accused had obtained the copy of the identity card, title deed of the property of the defacto complainant during 2010 promising to obtain a loan but he did not fulfill the promise; but later it is revealed that he had obtained a SIM Card and mobile connection in her name forging her handwriting and thereby he had committed the offences punishable under Sections 419, 468, 471 and 420 of Indian Penal Code and Section 66C of Information Technology Act.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence and he is innocent of the same and he has been falsely implicated in the case and he

is in jail from 19.03.2015 onwards.

4. The application was opposed by the learned Public Prosecutor on the ground that he is suspect in some other case registered under Section 57 of Kerala Police Act and a Habeas Corpus petition is pending in respect of a missing girl filed at the instance of her father against the petitioner.

5. I have heard the learned counsel for the petitioner Sri Praveen K.Joy and the learned Public Prosecutor Smt. S.Hyma and perused the Case Diary as well.

6. It is seen from the case diary filed that on the basis of the complaint given by the defacto complainant before the City Crime Detachment Assistant Commissioner of Police which was forwarded to the Mattancherry Police for necessary action, the present crime was registered against the petitioner alleging offences under sections 419, 468, 471 and 420 of Indian Penal Code and Section 66(C) of Information Technology Act. He was arrested on 12.03.2015 and he is in jail from that day onwards. I am not at this stage going to the question as to whether the allegations are sufficient to attract the offences or not as contended by the learned counsel for the petitioner. It is true that another case was registered as Crime No.639/2014 under

Section 57 of Kerala Police Act on the basis of the statement given by the father of a missing girl in which the present petitioner is said to be a suspect.

7. It is also admitted by both the counsels that a Habeas Corpus petition is pending before this Court regarding the missing girl in that case. Sofar, no indication has been obtained by the Police that the present petitioner had involved in that crime. Even assuming that he is involved in that crime, if bail is granted in this case, there is no bar for arresting the petitioner in that case if he had committed any criminal offence in connection with that missing girl.

So considering the period of pretrial detention and the stage of investigation in this case, this Court feels that bail can be granted to the petitioner with some stringent conditions.

The application is allowed with the following conditions.

1. The petitioner shall be released on bail on his executing bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the Judicial First Class Magistrate Court - V, Mattancherry.

2. The petitioner shall appear before the Investigating Officer on the last Saturday of every month between 9.00 a.m and 10.00 a.m till final report is filed.

3. The petitioner shall appear before the Investigating Officer for the purpose of interrogation as and when required in connection with the above crime in writing to do so till final report is filed.

4. The petitioner shall not leave Ernakulam District without getting prior permission either from the Judicial First Class Magistrate Court - V, Mattancherry.

5. The petitioner shall surrender their passport if any, before the Judicial First Class Magistrate - V, Mattancherry within one week from the date of release and if they do not have any passport, file an affidavit to that effect.

With the above conditions, this application is allowed.