

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Bail Appl..No. 3477 of 2015

CRIME NO. 1040/2015 OF ADOOR POLICE STATION, PATHANAMTHITTA

NAME AND ADDRESS OF THE PETITIONER(S):

**FR.JOHN MATHAI, AGED 49 YEARS,
S/O.C.T.LONANKUTTY, ASHARIPARAMBIL, THURAVOOR,
ALLEPPY DISTRICT.**

**BY ADVS.SRI.M.S.IMTHIAZ AHAMMED
SRI.SHIRAZ ABDULLA**

NAME AND ADDRESS OF THE RESPONDENT(S):

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

*** ADDITIONAL R2 IS IMPEADED**

- 2. LIZY.C.GEORGE, AGED 53 YEARS,
W/O.ABRAHAM, LISSY BHAVAN, VADAKKADATHUKAVU,
ERATHU VILLAGE, KOLLAM DISTRICT.**

*** ADDITIONAL R2 IS IMPEADED AS PER ORDER DATED 16.07.2015 IN
CRL.M.A.NO.6252 OF 2015.**

**R1 BY PUBLIC PROSECUTOR SMT.R.REMA
ADDL.R2 BY ADV. SMT.G.VIDYA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

B.A. No.3477 of 2015

Dated this the 5th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.1040 of 2015 of Adoor Police Station, Pathanamthitta District. He is said to have committed the offence under Section 420 of the Indian Penal Code.

3. He was power of attorney holder of owners of certain immovable properties. On the strength of power of attorney he entered into an agreement for sale of those properties to the first informant. The extent of the properties proposed to be sold is shown in cents. But in the agreement for sale the extent is shown in acres. So the extent in the agreement is much larger than the one shown in the power of attorney. It is alleged that though the petitioner had authority to sell a small extent of the property only he entered into agreement for sale of large extent.

4. Heard.

5. I have perused the power of attorney, the title deeds of the owners and the agreement for sale. I am satisfied that the probability of the extent of the property shown in cents instead of acres in the power of attorney being a mistake cannot be ruled out. Subsequently, another power of attorney has been executed showing the extent. Having regard to these facts I am inclined to grant the prayer of the petitioner for anticipatory bail.

In the result, this application is allowed.

1. The petitioner shall be released on bail after interrogation on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.

2. He shall appear before the investigating officer for interrogation if he is so required by him in writing.

3. He shall not get himself involved in any other criminal case while he is on bail.

4. He shall not intimidate or attempt to influence the witnesses.

5. He shall not destroy or tamper with the evidence.

6. He shall surrender his passport before the lower court concerned of if he does not have one, he shall file an affidavit to that effect within five days of his release.

7. He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law.

If the petitioner surrenders before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge