

Boby Mathew Vs. State of Kerala

Boby Mathew Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1097572

Court : Kerala

Decided On : Oct-30-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Boby Mathew

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 30TH DAY OF OCTOBER 2013 8TH KARTHIKA, 1935 Bail Appl..No. 5022 of 2013 ----- CRIME NO. 555/2013 OF UDAYAMPEROOR POLICE STATION , ERNAKULAM ... PETITIONER/ACCUSED: ----- BOBY MATHEW, AGED 36 YEARS, S/O.LATE MATHEW, EARATHARA HOUSE, UDAYAMPEROOR P.O., PIN 682307, MANAKUNNAM VILLAGE, KANAYANNUR TALUK, ERNAKULAM DISTRICT. BY ADVS.SRI.T.RAVIKUMAR SMT.T.H.REJITHA RESPONDENTS/RESPONDENTS: ----- 1. STATE OF KERALA, REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, 682 031. 2. THE CIRCLE INSPECTOR OF POLICE, UDAYAMPEROOR POLICE STATION, ERNAKULAM-682 307.

3. THE S.I. OF POLICE, UDAYAMPEROOR POLICE STATION, KANAYANNUR TALUK, ERNAKULAM DISTRICT, 682 031 (CRIME NO.555/2013 OF UDAYAMPEROOR POLICE STATION). R1 TO R3 BY PUBLIC PROSECUTOR SRI.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/10-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
Kss THOMAS P. JOSEPH, J.

----- Bail Appl. No.5022 of 2013
----- Dated this the 30th day of October 2013

ORDER

Petitioner is the accused in Crime No.555 of 2013 of the Udayamperoor Police station for the offences punishable under Secs.420 and 468 of the Indian Penal Code, apprehends arrest and has filed this application.

2. Allegation is that the petitioner made the defacto complainant believe that the latter would be made a share holder of the Cochin International Airport authority and showing him the photocopy of front page of a share certificate, collected Rs.75,000/- (Rupees seventy five thousand only) in the year, 1997 and Rs.30,00,000/- (Rupees thirty lakhs only) in the year, 2006. Later when the defacto complainant made a demand, petitioner told him that the share certificates are kept in the bank locker. According to the defacto complainant, the photocopy of share certificate shown to him is a forged document.

3. Learned counsel submits that the allegations are not true. Petitioner had only introduced one Bail Appl. No.5022 of 2013 2 Kochouseph of North Paravur to the defacto complainant. The said Kochouseph had 500 shares available for sale. The transaction was between the defacto complainant and the said Kochouseph through his power of attorney holder. It is submitted that there was a dispute regarding partition of the family property between the defacto complainant and others (Annexure 2) and that the petitioner has been falsely implicated.

4. I have heard the learned Public Prosecutor also.

5. The plea which the petitioner has raised has to be looked into by the investigating officer.

6. Considering the above, the following directions are issued.

1. Petitioner shall surrender before the officer investigating Crime No.555 of 2013 of the Udayamperoor Police station on 06.11.2013 at 10 a.m. for interrogation.

2. In case interrogation of the petitioner is not completed that day, it is open to the Bail Appl. No.5022 of 2013 3 investigating officer to direct presence of the petitioner on any other day/days and time which the petitioner shall comply.

3. The investigating officer shall look into the plea which the petitioner has raised.

4. In case arrest of the petitioner is recorded, he shall be produced before the jurisdictional magistrate the same day.

5. On such production, it is open to the petitioner to move application for bail before the learned magistrate.

6. In case he proposes to move any such application for bail, he shall give intimation to the Assistant Public Prosecutor concerned at least three working days in advance so that, he will be equipped with the fact of the case.

7. If for any reason custodial interrogation of the petitioner is required it is open to the investigating officer to move application before the learned magistrate. Bail Appl. No.5022 of 2013 4

8. Learned magistrate shall consider the application(s) having regard to the facts and circumstances as emerged from the statement of the defacto complainant also and pass appropriate orders as early as possible.

THOMAS P. JOSEPH JUDGE NS

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com