

Mohankumar Vs. State of Kerala

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Court : Kerala

Decided On : Apr-02-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Mohankumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 2D DAY OF APRIL 2014 12TH CHAITHRA, 1936 BAIL APPL..NO. 2293 OF 2014() ----- CRIME NO. 281/2008 OF SANTHANPARA POLICE STATION , IDUKKI PETITIONER/ACCUSED(S): ----- MOHANKUMAR AGED 64 YEARS S/O. VELAPPAN NAIR, RESIDING AT ENGAN HOUSE K.D.H VILLAGE, MUNNAR, IDUKKI. BY ADV. SRI.BABU PAUL RESPONDENTS/COMPLAINANTS: ----- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM-682031. 2. THE DETECTIVE INSPECTOR CB-CID, IDUKKI SUB UNIT, THODUPUZHA. BY GOVERNMENT PLEADER SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02.04.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P.JOSEPH, J.

===== B.A. No.2293 of 2014
===== Dated this the 02nd day of April,
2014

ORDER

Petitioner apprehends arrest by the Santhanpara Police in Crime No.281 of 2008 (now being investigated by the CBCID Crime No.266/CR/2008) for the offences punishable under Sections 465, 468, 471 and 447 read with Sec.34 of the Indian Penal Code, apprehends arrest and has filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that 5 of the accused persons claimed title and possession of the Government Property as per five pattayams which were cancelled by the District Collector concerned for the reason that they are forged. Those five persons challenged the order of the District Collector in this Court in Writ Petitions mainly on the ground that the order was passed without hearing them. This Court set aside the impugned orders on the ground of the said persons being not heard and directed the District Collector to rehear the matter with notice to the persons concerned. Accordingly, notice was issued to those persons and they were B.A. No. 2293 of 2014 -:

2. :- heard. The District Collector again passed orders cancelling the pattayams. It is revealed that of those five persons who filed Writ Petitions, two persons were not in existence and they were impersonated. Petitioner is in the know as to who are the persons who impersonated the non-existent persons.

3. Learned counsel submitted that the petitioner is a social worker and the allegations against him are not true.

4. On hearing both sides it appears to me that the purpose of questioning the petitioner is to get information regarding the persons who were allegedly impersonated. Interrogation of the petitioner is required but his custody is not required. The following directions are issued. (i) Petitioner shall surrender before the the Officer investigating CBCID Crime No.266/CR/2008 (Idukki District) on 08.04.2014 at 10.00 a.m for interrogation. (ii) If interrogation of the petitioner is not

completed that day, he shall appear before the officer investigating the case on the day/days and time as directed by him which the petitioner shall comply. (iii) In case petitioner is arrayed as accused and arrest of the petitioner is recorded, he shall be produced before the B.A. No. 2293 of 2014 -:

3. :- jurisdictional magistrate the same day. (iv) On such production, the petitioner shall be released on bail (if not required to be detained otherwise) on his executing bond for Rs.20,000/- (Rupees five thousand only) with two sureties for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions: (a) One of the sureties shall be a close relative of the petitioner. (b) Petitioner shall report to the Officer investigating CBCID Crime No.266/CR/08 every alternate Saturday between 10.00 a.m. and 12.00 p.m. until further orders. (c) Petitioner shall report to the Officer investigating the case as and when required for interrogation at all reasonable time and place. (d) Petitioner shall not get involved in any offence during the period of this bail. (e) Petitioner shall not intimidate or influence the witnesses. (v) In case any of condition Nos.(b) to (e) is violated, it is B.A. No. 2293 of 2014 -:

4. :- open to the investigating Officer to move the learned jurisdictional magistrate for cancellation of the bail granted hereby as held in P.K.Shaji v. State of Kerala (AIR 2006 SC100. Application is disposed of as above. THOMAS P.JOSEPH, JUDGE. vsv

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