

Benny Peter Vs. the State of Kerala

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Court : Kerala

Decided On : Jun-26-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Benny Peter

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 26TH DAY OF JUNE 2014 5TH ASHADHA, 1936 Bail Appl..No. 4600 of 2014 ()
----- CRIME NO. 424/2014 OF VALIYATHURA POLICE STATION, THIRUVANANTHAPURAM DISTRICT -----
PETITIONER/A1: ----- BENNY PETER, S/O.PETER, AGED 35 YEARS, NEAR KOCHUVELI CHURCH, VETTUKADU WARD, KADAKAMPALLI VILLAGE, THIRUVANANTHAPURAM. BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR RESPONDENT :
----- THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, THROUGH THE SUB INSPECTOR OF POLICE, VALIYATHURA POLICE STATION, THIRUVANANTHAPURAM. PIN-682 031. BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26-06-2014, ALONG WITH BA.NO.4626 OF 2014 THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts THOMAS P. JOSEPH, J.

----- Bail Appl. Nos.4600 & 4626 of 2014
----- Dated this the 26th day of June 2014

ORDER

These applications are preferred by accused nos.1 and 2 respectively, in Crime No.424 of 2014 of the Valiyathura Police station for the offences punishable under Secs.463, 465, 466, 468, 471, 474 and Sec.511 of Sec.420 read with Sec.34 of the Indian Penal Code, are in custody from 18.05.2014 and 12.06.2014 respectively, and seek bail.

2. Learned Public Prosecutor has opposed the applications. It is submitted that the 1st accused submitted certain documents including certificates purported to be issued by the Kerala State Industrial Department and income tax returns to the Consulate of the United States to facilitate obtaining visa for him to that country. Those documents were found to be forged. A complaint was preferred by the Assistant Regional Security Officer, Regional Security Office, U.S. Consulate Bail Appl. Nos.4600 & 4626 of 2014 2 General, Chennai to the DIG and Commissioner of Police, Thiruvananthapuram city. Based on that complaint, the case was registered. Investigation conducted so far revealed involvement of the accused 1 and 2. It is also submitted that the seal and hard disc(used for alleged forgery) are to be recovered. Further interrogation is required.

3. Learned counsel appearing for the 1st accused submitted that the allegations are not true and that at any rate, the 1st accused is in custody from 18.05.2014.

4. Learned counsel for the 2nd accused submitted that the 2nd accused has nothing to do with the alleged presentation of the allegedly forged documents by the 1st accused to the U.S. Consulate General. Learned counsel contended that according to the Assistant Regional Security officer on whose complaint the case is registered, what the 1st accused had told him is about Wilfred, resident of Vazhuthakadu near Thiruvananthapuram (with his telephone numbers given Bail Appl. Nos.4600 & 4626 of 2014 3 in Annexure-1 attached to B.A. No.4626 of 2014) who created the documents and gave it to the 1st accused for use in the U.S. Consulate. According to the learned counsel, the 2nd accused does not have

any such telephone number nor he is residing in the said address. Instead, for the last several years he is residing at Nalanchira which is almost 12 kilometers away from Vazhuthakadu. According to the learned counsel, it is a case of mistaken identity of the 2nd accused. As directed by this Court he surrendered before the investigating officer on 12.06.2014. His further detention is not required.

5. The investigating officer has to verify the aforesaid contentions raised by the learned counsel for the 2nd accused. At this stage, I must remember the submission made by the learned Public Prosecutor that investigation conducted so far revealed involvement of the 2nd accused as well. I must also notice that the seal and hard disc are not recovered. The same may be necessary to prove the alleged offence. In the Bail Appl. Nos.4600 & 4626 of 2014 4 circumstances, request of these accused for bail cannot be allowed at this stage. The applications are dismissed without prejudice to these accused moving again after the investigation has progressed. Sd/- THOMAS P. JOSEPH JUDGE / True Copy / NS P.A. To Judge

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