

Taitas Thomas Vs. State of Kerala

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Court : Kerala

Decided On : Jul-03-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Taitas Thomas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 3D DAY OF JULY 2014/12TH ASHADHA, 1936 Bail Appl..No. 4462 of 2014 ()
----- CRIME NO. 1425/2011 OF HOSDURG POLICE STATION, KASARGOD DISTRICT ----- PETITIONER/ACCUSED :
----- TAITAS THOMAS, AGED 47 YEARS S/O.THOMAS, KADATHALA KUNNEL HOUSE, IRIYA BELORE VILLAGE, HOSDURG TALUK, KASARGOD DISTRICT. BY ADVS.SRI.S.RAJEEV SRI.K.K.DHEERENDRA KRISHNAN SRI.ARUN JOSE THOMAS RESPONDENTS/STATE :
----- 1. STATE OF KERALA REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM - 682 031. (CRIME NO.1425/2011 OF HOSDURG POLICE STATION KASARGOD DISTRICT).

2. STATION HOUSE OFFICER, HOSDURG POLICE STATION KASARGOD DISTRICT - 671 121. (CRIME NO.1425/2011 OF HOSDURG POLICE STATION KASARGOD DISTRICT). R1 & R2 BY PUBLIC PROSECUTOR SRI. SREEJITH

V.S. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 0307-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn THOMAS P. JOSEPH, J.

----- Bail Appl.No. 4462 of 2014 () -----

Dated this the 3rd day of July, 2014

ORDER

Petitioner is the 4th accused in Crime No.1425 of 2014 of the Hosdurg Police Station for the offences punishable under Sections 465, 468, 471 of the Indian Penal Code, Section 12 (i)(b) of the Passport Act, apprehends arrest and has filed the application. 2.Learned Public Prosecutor has opposed the application. It is submitted that the petitioner is running M/s.Omega Travels. 3.Learned counsel submits that the allegations are not true. First accused is the immediate neighbour of the petitioner. The petitioner is running M/s.Omega Travels, but he is engaged only in ticketing business. He directed the first accused to M/s.Universal Travels, Calicut and accordingly, the first accused went to that agency. The petitioner has only directed the first Bail Appl.No. 4462 of 2014 () 2 accused to the said agency. 4.The above are matters which the investigating officer has looked into. It is not as if investigation must start by arresting the person suspected. Arrest is required when sufficient materials are collected and it is revealed that custodial interrogation is required. The investigating officer has to look into the contentions raised by the petitioner. 5.In the nature of the allegations made, I am inclined to think that it is not appropriate to grant pre-arrest bail. But I am inclined to issue directions. The application is disposed of as under:

1. Petitioner shall surrender before the officer investigating Crime No.1425 of 2014 of the Hosdurg Police Station on 10.07.2014 at about 10.00 a.m. Bail Appl.No. 4462 of 2014 () 3 2. In case interrogation is not completed that day, the petitioner shall appear before the officer investigating the case any other day/days and time as directed by the investigating officer.

3. In case the petitioner is arrested, he shall be produced before the jurisdictional magistrate the same day, where it is open for the petitioner to request for regular bail with intimation given to the Assistant Public Prosecutor concerned at least two

working days in advance.

4. If custody of the petitioner is required for any purpose, the investigating officer can move application for the purpose.

5. Learned magistrate shall consider the application(s) having regard to all Bail Appl.No. 4462 of 2014 () 4 relevant circumstances including whether custody of the petitioner is required for any purpose and pass appropriate orders as early as possible. Sd/- THOMAS P. JOSEPH JUDGE AMV /TRUE COPY/ P.A.TO JUDGE

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