

Jafffer, vs State of Kerala,

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Court : Kerala

Decided On : Apr-19-2024

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Bail Appl./2737/2024

Appellant : Jafffer,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
FRIDAY, THE 19TH DAY OF APRIL 2024 / 30TH CHAITHRA, 1946
BAIL APPL. NO. 2737 OF 2024 CRIME NO.10/2024 OF CYBER CRIME
POLICE STATION, ERNAKULAM RURAL, ERNAKULAM
PETITIONER/ACCUSED: JAFFFER, AGED 49 YEARS, D/O
SAITHALIKUTTY, KARUTHAMOIDEENKUTINTEPURAKKKAL,
ANANGADI, KADALUNDI NAGARANM, VALLIKKUNNU,
MALAPPURAM DISTRICT., PIN - 673 314. BY ADVS. P.SAMSUDIN
LIRA A.B. NASRIN WAHAB DEVIKA E.D.

RESPONDENT/STATE: STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682 031. BY

ADV.SEENA C. (PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.2737/2024 2
P.V.KUNHIKRISHNAN, J ----- B.A.No.2737 of 2024 ----- Dated this the 19th day of April, 2024

ORDER

This Bail application is filed under Section 438 of Criminal Procedure Code.

2. Petitioner is the accused in Crime No.10/2024 of Cyber Crime Police Station, Ernakulam Rural. The above case is registered alleging offences punishable under Section 420 of the Indian Penal Code and Section 66D of the Information Technology (Amendment) Act, 2008.

3. The allegation against the petitioner is that, with an intention to deceive the complainant, the petitioner made calls to

the complainants phone from another phone number, impersonating to be Police Officials calling from Collabba Police Station in Mumbai, made the complainant to believe that a warrant was issued against him by the Supreme Court and demanded to transfer money to bank accounts for clearing the warrant, the complainant transferred Rs.1,15,00,000/- and thereby deceived him.

4. Heard the counsel for the petitioner and the public B.A.No.2737/2024 3 Prosecutor. Learned Public Prosecutor seriously opposed the bail application.

5. After hearing both sides, I think this is not a fit case, in

which orders u/s.438 Cr.P.C can be passed. At this stage the counsel for the petitioner submitted that the petitioner will surrender before the Investigating Officer. The counsel also submitted that there may be a direction to produce the petitioner after interrogation before the jurisdictional court and there may be a direction to the jurisdictional court to consider the bail application on the date of production of the petitioner. I think that prayer can be allowed.

6. Considering the submission of the counsel for the petitioner, this bail application is disposed of with the following directions. i. The petitioner will surrender before the Investigating

Officer within ten days from today. ii. If the petitioner surrender before the Investigating Officer as directed above, the Investigating Officer is free to interrogate the petitioner and shall produce the petitioner before the jurisdictional court on the date of surrender itself. iii. The petitioner is free to file bail application before the

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jurisdictional court at the time of producing him before the Magistrate. If such a bail application is filed with advance copy to the prosecutor concerned, the jurisdictional court will consider that bail application in accordance with law and pass appropriate orders in it preferably on the date of filing of the same itself. iv. The Investigating Officer is free to file custody application, if necessary, at the time of producing the petitioner and if such application is filed, the jurisdictional court is free to pass appropriate orders in it also.

Sd/- P.V.KUNHIKRISHNAN, JUDGE ats

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