

**Jacob Thomas. vs State of Kerala**

**Jacob Thomas. vs State of Kerala**

**SooperKanoon Citation :** [sooperkanoon.com/1367200](https://sooperkanoon.com/1367200)

**Court :** Kerala Orders

**Decided On :** Jun-26-2023

**Judge :** Honourable Mr.Justice Ziyad Rahman a.a.

**Appeal No. :** Bail Appl./4737/2023

**Appellant :** Jacob Thomas.

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.  
MONDAY, THE 26TH DAY OF JUNE 2023 / 5TH ASHADHA, 1945  
(CRIME NO. 66/2023 OF ANKAMALI POLICE STATION) PETITIONER:  
JACOB THOMAS. AGED 57 YEARS S/O THOMAS RESIDING AT  
BUILDING NO. 15/183 MOOLACHAL THECKALAY. KANYAKUMARI  
DISTRICT, PIN - 691523 BY ADV JOSEPH T.JOHN RESPONDENTS: 1  
STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 STATION  
HOUSE OFFICER ANKAMALY POLICE STATION ANKAMALY,  
ERNAKULAM DISTRICT, PIN - 683572 OTHER PRESENT: ADV  
SEETHA S -SR PP THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 26.06.2023, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

## **ORDER**

This is an application filed under Section 438 of the Code of Criminal Procedure seeking pre-arrest bail.

2. The petitioner is the 3rd accused in Crime No. which was registered for the offences punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code, 1860.

3. The prosecution case is that the accused persons

by making a promise to the defacto complainant that her daughter would be provided with admission for the MBBS course for the academic year 2021-22 at CMS Vellore Medical College, Tamil Nadu, collected an amount of Rs. 52 lakhs. However, the accused persons did not provide a medical seat and the amount was not repaid. The crime was registered in such circumstances, and as the petitioner apprehends arrest in connection with the investigation of the said case, this application for anticipatory bail is submitted.

4. Heard Sri. Joseph T John, the learned Counsel for the petitioner and Smt. Seetha S, the learned Senior Public Prosecutor for the state.

5. The learned Counsel for the petitioner submits

that, the petitioner is innocent of all the allegations and he was falsely implicated in the said case. The petitioner is a Pastor of CSI Community, and he was never involved in such transactions. According to him, he just introduced the defacto complainant to the other accused. According to him, the allegations raised against the petitioner are highly improbable, in view of the fact that without attending the NEET exam, it is not possible for any student to obtain admission to the Medical College. The petitioner further points out that he is ready and willing to cooperate with the investigation and shall abide by any conditions that may be imposed by this Court.

6. On the other hand, the learned Public Prosecutor

opposes the said bail application by pointing out that, there are specific allegations against the petitioner. It is pointed out that, as per the statement given by the defacto complainant, out of Rs. 52 lakhs, an amount of Rs. 50 lakhs were collected by the petitioner and the 2 nd accused. Besides the same, the petitioner herein is implicated as an accused in six other cases of similar nature and the details

of the same were also made available before this Court which is as hereunder; i. Pandalam Police Station in Crime No. 1204/2022 u/s 406, 420 and 34 of IPC. ii. Adoor Police Station in Crime No. 854/2022 u/s 406, 420 and 34 of IPC.. iii. Thrissur West Police Station in Crime No. iv. Koratty Police Station in Crime No. 83/2023 u/s 406, 420 and 34 of IPC. v. Pala Police Station in Crime No. 3570/2022 u/s 406, 420 and 34 of IPC. In such circumstances, the dismissal of the bail application was sought.

7. I have gone through the records. Even though the

learned counsel for the petitioner contends that the role of the petitioner is limited, a reading of the FI Statement, would give a different impression. The specific allegation against the petitioner is that he and the 2 nd accused,

collected an amount of Rs. 50 lakhs. Even though the learned counsel for the petitioner disputes the receipt of the said amount, I am of the view that, as the same is a matter of investigation and it cannot be considered at this stage. The allegations against the petitioner made in the FI statement and the connected records do indicate a prima facie case against the petitioner. Besides the same, the petitioner is also involved in six other cases wherein similar

allegations are raised. When all the aforementioned aspects are considered, I do not find that this is a fit case in which the anticipatory bail can be granted to the petitioner.

Therefore, I do not find any merit in this application for anticipatory bail and accordingly, it is dismissed. Sd/- ZIYAD RAHMAN A.A. JUDGE LU APPENDIX OF

BAIL APPL. 4737/2023 PETITIONER ANNEXURES : Annexure-I A TRUE COPY OF THE FIRST INFORMATION REPORT DATED 25-1-2023 IN CRIME.NO.66/2023 BEFORE THE ANKAMALY POLICE STATION Annexure-II A TRUE COPY OF THE COMPLAINT FILED BY BY THE PETITIONER BEFORE THE DISTRICT POLICE CHIEF RURAL, ERNAKULAM DATED 5- 3-2023 // True Copy // PA To Judge

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**