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Binu Thomas vs the State of Kerala

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Court : Kerala Orders

Decided On : Aug-04-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Bail Appl./5469/2021

Appellant : Binu Thomas

Respondent : The State of Kerala

Judgement :

BAIL APPL. NO. 5469 OF 2021 CRIME NO.337/2018 OF THE AGALI POLICE STATION, PALAKKAD DISTRICT. ERUMATHAZHATH HUSE, RESPONDENTS/STATE & COMPLAINANT: HIGH COURT OF KERALA, ERNAKULAM, KOCHI, PIN - 682 031. PALAKKAD DISTRICT, PIN - 678 581.

04.08.2021, ALONFG WITH BAIL APPLICATION NO. 5485 OF 2021THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BAIL APPL. NO. 5485 OF 2021 CRIME NO.298/2019 OF THE AGALI POLICE STATION, PALAKKAD DISTRICT. ERUMATHAZHATH HOUSE, RESPONDENT/STATE & COMPLAINANT: HIGH COURT OF KERALA, ERNAKULAM, KOCHI, PIN - 682 031. PALAKKAD DISTRICT, PIN - 678 581. 04.08.2021, ALONFG WITH BAIL APPLICATION

NO.5469. THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

These are applications moved by the very same person in his capacity of the 3rd accused in Crime No.337/2018 of Agali Police Station and 2nd accused in Crime No.298/2019 of the same police station. Both these crimes were registered alleging offence under Sections 465, 468, 471 read with Section 34 of the IPC.

2. I heard the learned counsel on both sides. According to the

learned counsel, there is nothing on record to show the involvement of the petitioner in the alleged crime, during 2018 - 2019 he was abroad, all the materials are available with the police and, in the nature of the allegations, his custodial interrogation is not necessary.

3. The learned Public Prosecutor has seriously opposed the

application. According to him, the petitioner had created tax receipts using fake seal and putting fake signature of the Village Officer and thus facilitated availing loans from different financial institutions. Therefore, in the nature of the allegations, custodial interrogation of the petitioner is necessary.

4. These crimes were registered on the basis of the complaints given by the Village Officer, Kallamala Village. Occasion

for filing such complaints arose when financial institutions moved the Village Office to ascertain the genuineness of the tax receipts produced before them for availing loan by different persons. In crime

receipt of one Devasya, son of Joseph. In the other crime one Viswanathan was the loanee. On verification, the tax receipts which were claimed to have been issued by the Village Officer, were found to be fake. In other words, it is alleged that the petitioner had facilitated the respective loanees to avail financial assistance from the institutions by

creating false and fabricated documents. I do not have any doubt in my mind that the allegations against the petitioner are very serious and are in the nature of fraud on the Government. There are similar other allegations against him. In the nature of the allegations, his custodial interrogation is inevitable. Therefore, this is not a fit case for granting anticipatory bail. Both the applications are dismissed. Sd/- K.HARIPAL JUDGE Jms/04.08 //True Copy// P.A to Judge

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