

M.A. Mathew Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Feb. 4, 2025

Acts Referred: Code of Criminal Procedure, 1973 " Section 438
Indian Penal Code, 1860 " Section 34, 420, 463, 468

Hon'ble Judges: P.G. Ajithkumar, J

Bench: Single Bench

Advocate: Biju .C. Abraham, Rekha S

Final Decision: Allowed

Judgement

P.G. Ajithkumar, J

1. The application is filed under Section 438 of the Code Criminal Procedure, for an order of pre-arrest bail.

2. The petitioner is the 1st accused in Crime No.973/2023 of the Kumily Police Station, registered against the accused (three in number) alleging them

to have committed the offences punishable under Sections 420, 463 and 468 read with 34 of the Indian Penal Code, 1860.

3. The prosecution case, in short, is that, the first accused and the second accused were the President and Secretary of the Chakkupallam Service Co-

operative Bank and they had forged a false tax receipt in the name of the first accused and secured a loan for Rs.50,000/-. Accused Nos.2 and 3 had

helped the first accused to secure the loan. Hence, they have committed the above offences.

4. Heard the learned counsel for the petitioner and the learned Senior Public Prosecutor.

5. Learned counsel for the petitioner would submit that the allegation set forth in the FIR against the petitioner is totally false. No forged tax receipt

was produced by the petitioner. It is true that a loan was availed, but the same was repaid much before. At any rate, custodial interrogation of the

petitioner is absolutely unnecessary in the case. Having the case been initiated on political vendetta alone, there is every possibility of keeping the

petitioner in custody illegally in the event of his arrest. It is contended that in the said circumstances, the petitioner was compelled to move this Court

by filing this petition.

6. Learned Senior Public Prosecutor made available the report of the Investigating Officer for my perusal. It is stated in the report that 17 witnesses

were already examined and 25 documents were seized. The petitioner was interrogated as well. It is further stated that the submission of a forged

document has been revealed from the investigation so far conducted. Learned Senior Public Prosecutor would submit that co-operation of the

petitioner is necessary to take the investigation to its logical end.

7. Having considered the aforementioned facts as well as the submissions at the Bar, I am of the view that the detention of the petitioner during the

investigation is absolutely unnecessary. Of course, he is bound to co-operate with the investigation.

Accordingly, this Bail Application is allowed as follows:-

(i) In the event of arrest of the petitioner, he shall be released on bail on his executing a bond for Rs.1,00,000/-(Rupees One Lakh Only) with two

solvent sureties each for the like sum to satisfaction of the Investigating Officer.

(ii) The petitioner shall co-operate with the investigation and shall appear before the Investigating Officer as and when required.

(iii) The petitioner shall not intimidate the witnesses or try to interfere with the investigation.

(iv) The petitioner shall not involve in any other offence while on bail.