

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.M.BABU

FRIDAY, THE 30TH DAY OF DECEMBER 2016/9TH POUSHA, 1938

Bail Appl..No. 9080 of 2016 ()

CRIME NO. 966/2015 OF MATTANCHERRY POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED NO.1:

JIO MATHEW, AGED 38 YEARS
S/O MATHEW JOSEPH, PUNNAPURACKAL HOUSE,
ARATTUVAZHY, ARYAD, ALAPPUZHA,
NOW RESIDING AT RENTED HOUSE OF BIJU JOSE,
KOKKOTHU VEEDU, THATHAMPALLY, ARYAD,
ALAPPUZHA DISTRICT.

BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU

RESPONDENT(S)/COMPLAINANT.:

THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.S.HRITHWIK

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30-12-2016, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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A.M.BABU, J.

B.A.No.9080 of 2016

Dated this the 30th day of December, 2016

ORDER

Petitioner is the 1st accused in crime no.966/2015 of the Mattancherry police station. There are altogether three accused persons. The offence alleged against them is one punishable under section 420 of the IPC read with IPC 34. The petitioner is in custody.

2. The prosecution case goes as follows: The petitioner and his wife, who is the 2nd accused, representing themselves to run a charitable trust called the Holy Angels charitable trust collected Rs.35,00,000/- in three instalments from the de facto complainant making him to believe that within a period of 30 days Rs.1,25,00,000/- would be returned. Believing the words of the accused persons, the de facto complainant entrusted with them Rs.35,00,000/-, but he was not given the offered amount of Rs.1,25,00,000/-.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Learned Public Prosecutor has opposed the application. I

am shown the report submitted to him by the investigating officer. The report suggests that there are materials against the petitioner. Annex-B is a copy of the order of this Court in B.A.No.8758 of 2016. As per the said order the wife of the petitioner was granted regular bail. Bail was granted to her on the ground that the money was received by her husband. It was also made clear in the said order that grant of bail to the 2nd accused shall not in any manner go to the benefit of any other accused in the case. The petitioner is no doubt in custody since 17.11.2016. But the investigation is in its initial stage still. The 3rd accused is to be apprehended. The learned Public Prosecutor on instruction has submitted that three more crime cases of the similar nature are pending against the petitioner in three different police stations in three different districts. I am in agreement with the learned Public Prosecutor that grant of bail to the petitioner at this stage would be detrimental to the other cases under investigation apart from this particular case. I am also impressed with the submission that the possibility of repeating similar crime cannot be ruled out. For these reasons, I am of the considered opinion that the petitioner is not entitled to bail at present.

In the result, the application is dismissed.

Sd/-

A.M.BABU, JUDGE

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P.A.To Judge