

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 30TH SEPTEMBER 2008 / 8TH ASWINA 1930

Bail Appl.No. 6035 of 2008()

CRIME NO.486/08 OF MULANTHURUTHY POLICE STATION

PETITIONER:

SHAMSU T.B., S/O.BAVACHI, NISHA MANZIL,
THANNIKKEL, AMBALLOOR VILLAGE.

BY ADV. SRI.C.P.RAVIKUMAR

RESPONDENT(S):

1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.
2. THE SUB INSPECTOR OF POLICE,
MULANTHURUTHY POLICE STATION.

PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30/09/2008, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.HEMA, J.

B.A.No.6035 of 2008

Dated this the 30th day of September, 2008

O R D E R

This petition is for anticipatory bail.

2. The alleged offences are under Sections 468, 471, 511 of 420 IPC. According to prosecution, petitioner allegedly forged some documents for using them as genuine, for the purpose of obtaining a loan in the name of his wife. He handed over the same to his wife and a loan was applied for, from the Malabar Grameena Bank. Petitioner is the first accused and his wife is the second accused. Before the loan was sanctioned, the forgery was detected by the Manager of the Bank and a complaint was lodged.

3. Learned counsel for the petitioner submitted that the petitioner's wife was granted anticipatory bail by this Court. Learned public prosecutor opposed this petition and submitted that the petitioner has committed the offence and he handed over the documents to the second accused for the purpose of obtaining loan in her name. The first accused stands differently

from the second accused and on the allegations made, it is not a fit case to grant anticipatory bail.

4. On hearing both sides, I find that granting of anticipatory bail to the second accused cannot be made a ground to grant the same relief to the petitioner, since the petitioner is required for custodial interrogation. Considering the nature of allegations made also, I do not think it fit to grant anticipatory bail.

5. The crime was registered as early as on 23.8.2008. But, the petitioner could not be arrested so far. The investigation cannot be proceeded with, without the petitioner being arrested and interrogated.

Hence, petitioner is directed to surrender before the Magistrate Court concerned or before the Investigating Officer and co-operate with the investigation.

With this direction, this petition is dismissed.

K.HEMA, JUDGE