

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

BAIL APPL..NO. 544 OF 2015 ()

CRIME NO. 1258/2014 OF HOSDURG POLICE STATION, KASARAGOD DISTRICT.

PETITIONER/ACCUSED NO.3:

**MUHAMMED RAFAEEK K.M., AGED 31 YEARS,
S/O. MOIDEEN KUTTY, KOCHOTTU (H), PERDALA P.O.,
NEERCHAL VILLAGE, BADIADKA, KASARAGOD DISTRICT.**

BY ADV. SRI.K.P.HARISH.

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO. 1258 OF 2014 OF HOSDURG POLICE STATION),
KASARAGOD DISTRICT-671 121.**

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A. No.544 of 2015

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Dated this the 30th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 3rd accused in Crime No.1258 of 2014 of the Hosdurg Police Station, Kasaragod District, registered for the offences punishable under Sections 465, 468, 471 and 109 read with Section 34 of the Indian Penal Code and Sections 65 and 66 of the Information Technology Act.

3. The allegation against the petitioner is that he has falsely created and forged pass enabling the transport of sand and sent it to A1 by e-mail, who downloaded it, got its print out and made use of the said forged document as genuine. It is also alleged that on the search of the premises of the petitioner, a false seal was also obtained.

The petitioner has been in custody for the period from 01.01.2015 onwards.

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

5. The learned Public Prosecutor has pointed out that the petitioner is involved in another crime also. It seems that the investigation of this case is practically over. The continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner and the facts and circumstances of the case, I am of the view that the petitioner can be enlarged on bail in this case on conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and

subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 06.02.2015 for a period of six months.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

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

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

sd/
B. KEMAL PASHA
JUDGE

DSV/30/1/15

// True Copy //

PA to Judge