

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. 9079 of 2016

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CMP 10562/2016 of J.M.F.C.-I, HOSDRUG  
CRIME NO. 218/2014 OF CHANDERA POLICE STATION , KASARGOD

PETITIONER(S)/4TH ACCUSED:

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K.MOOSA  
S/O C.H.ABDUL RAHIMAN, AGED 51 YEARS, RESIDING  
AT C.H. HOUSE, VILAYAMKODU, KADANNAPPALLY VILLAGE,  
KANNUR DISTRICT.

BY ADVS.SRI.T.MADHU  
SMT.C.R.SARADAMANI

RESPONDENT(S)/STATE:

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THE STATE OF KERALA  
THROUGH THE STATION HOUSE OFFICER,  
CHANDERA POLICE STATION, KASARAGOD DISTRICT,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682031.

BY PUBLIC PROSECUTOR ALEX M. THOMBRA

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

**A.M.BABU, J.**

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B.A.9079 of 2016  
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Dated 30<sup>th</sup> December, 2016  
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**ORDER**

1. Petitioner is the 4<sup>th</sup> accused in crime no.218/2014 of Chandra police station. There are altogether four accused. They are alleged to have committed offences punishable under sections 420, 465, 468 and 471 of the IPC read with IPC 34. Petitioner is in custody. He seeks bail.

2. The prosecution case is that 20 cents of property belonging to the de facto complainant was sold to the 1<sup>st</sup> accused without the knowledge of the former and under a fabricated sale deed. It is alleged that the petitioner was the person who impersonated the de facto complainant and appeared before the Sub Registry office, Thrikkariapur and signed before the Sub Registrar as if he were the de facto complainant.

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

4. The alleged forgery was in 1996, that is, 20 years ago. It is alleged by the petitioner that the 1<sup>st</sup> accused is conducting a poultry farm in the property in question for the last several years. It is also alleged that in the civil suit filed by the 1<sup>st</sup> accused against the de facto complainant the latter is restrained by an order of temporary injunction from entering into the property. It is not necessary to go into the merits and demerits of the prosecution case. The investigation in the case is almost completed. The petitioner has been interrogated. His signature and fingerprint were taken. What remains is to file a charge-sheet on receipt of the opinion of the fingerprint and hand writing expert. The petitioner is in custody since 14.12.2016.

His continued custody does not appear to be necessary. For the above reasons I find that the petitioner can be released on bail.

In the result, the application is allowed. The petitioner shall be released on bail on his executing a bond for Rs.40,000/- with two solvent sureties for the like sum each to the satisfaction of the learned Magistrate having jurisdiction. The petitioner shall make himself available for any further interrogation if so required by the investigating officer in writing. This particular condition will be in force for a period of two months or till the filing of the final report, whichever is earlier. The petitioner shall not intimidate witnesses or try to influence them. Nor shall the petitioner destroy evidence or tamper with it. He shall surrender his passport before the learned Magistrate on the first working day after his release. The learned

Magistrate is hereby empowered to cancel the bail in the event of breach of any of the conditions mentioned above.

**Sd/-**

**A.M.BABU**  
**Judge**

Mrcs/30.12.2016

//True copy//

P.S to Judge