

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 31ST DAY OF JANUARY 2018 / 11TH MAGHA, 1939

Bail Appl..No. 454 of 2018

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(CRIME NO.109/2017 OF MANKADA POLICE STATION, MALAPPURAM)

PETITIONER/ACCUSED:

SOOPY, S/O. AMMED,  
AGED 52 YEARS,  
MAARAN VEETIL HOUSE, PURAMERI,  
ARUR, KAKKATIL, VADAKARA TALUK,  
KOZHIKODE.

BY ADV. SRI.S.KRISHNALAL

RESPONDENT/COMPLAINANT:

STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM-682031.

BY GOVERNMENT PLEADER MR. SAJJU S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-01-2018,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**RAJA VIJAYARAGHAVAN V., J**

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B.A. No. 454 of 2018

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Dated this the 31<sup>st</sup> day of January, 2018

**ORDER**

1. This petition seeking an order of pre-arrest bail is preferred by the 2<sup>nd</sup> accused in Crime No.109/2017 of the Mankada Police Station, registered under Sections 468, 471 of the IPC and Section 12(1) of the Indian Passports Act, 1967.
2. The prosecution allegation is that one Mr.Hedolath Mohammed Ali had applied for re-issuance of a passport which was obtained by him in the year 2007 through the Embassy of Indian, Bahrain. On his application, a detailed enquiry was conducted by the Special Branch. It was revealed that he had obtained Passport No. F-86714686 in the year 1997 by producing forged documents. A crime was consequently registered on 05.07.2017. In the course of investigation, it was found that the photograph affixed in the passport which was applied for and obtained by the first accused was that of the petitioner herein. In the aforesaid circumstances, the petitioner herein was arrayed as the second accused.

3. The learned counsel appearing for the petitioner submitted that the 1<sup>st</sup> accused is a total stranger to him and except for the photograph, there is nothing to link the petitioner with the crime.
4. The learned Public Prosecutor opposed the prayer. It is submitted that the investigation is in the early stages and granting the petitioner with an order of pre-arrest bail would adversely affect the investigation.
5. I have considered the submissions advanced and have gone through the case diary.
6. It appears that the 1<sup>st</sup> accused had obtained a passport from the Passport Office at Kozhikode in the year 1997 and got it renewed in the year 2007. He had submitted a ration card issued from the Perinthalmanna Taluk Supply Office and extract of School Admission Register and it was revealed on investigation that the said documents were also forged. Prima facie, the petitioner does not appear to have any major role in the acts perpetrated by the 1<sup>st</sup> accused.
7. Having regard to the nature and gravity of allegation, the limited role attributed to the petitioner, the antecedents, and the attendant facts and circumstances, I am of the

view that custodial interrogation of the petitioner is not necessitous for an effective investigation.

In the result, this petition will stand allowed. However, it shall be subject to the following conditions:

- i) The petitioner shall appear before the investigating officer within ten days from today and shall undergo interrogation. Thereafter, if he is proposed to be arrested, he shall be released on bail on he executing a bond for a sum of Rs.40,000/- (Rupees forty thousand only) with two solvent sureties each for the like sum.
- ii) The petitioner shall co-operate with the investigation and shall appear before the Investigating Officer on all Saturdays between 9 a.m. and 11 a.m., for one month or till final report is filed, whichever is earlier.
- iii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.
- iv) The petitioner shall not commit any similar offence while on bail.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law.

Sd/-  
Raja Vijayaraghavan V.,  
Judge