

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 31ST DAY OF DECEMBER 2021 / 10TH POUSHA, 1943

BAIL APPL. NO. 10024 OF 2021

CRIME NO.87/2021 OF Kayamkulam Police Station, Alappuzha

AGAINST THE ORDER/JUDGMENT IN CMP 6017/2021 OF JUDICIAL MAGISTRATE
OF FIRST CLASS , KAYAMKULAM

PETITIONER/ACCUSED:

ANEES H.

AGED 32 YEARS

S/O.HAMEEDKUTTY, MARUTHINATTU THARAYIL, KANNAMOALLY
BHAGAM MURI, KEERIKKADU VILLAGE, KAYAMKULAM, ALAPPUZHA
DISTRICT, PIN - 690 502.

BY ADV M.G.SREEJITH

RESPONDENTS/STATE & COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, KOCHI - 682 031.
- 2 THE STATION HOUSE OFFICER
KAYAMKULAM POLICE STATION, KAYAMKULAM, ALAPPUZHA
DISTRICT, PIN - 690 537.

SRI.PRASANTH M.P., PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31.12.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application filed u/s 439 of Code of Criminal Procedure seeking regular bail.

2. The petitioner is the accused in Crime No.87/2021 of Kayamkulam Police Station. The offences alleged are under Sections 465, 468 and 471 IPC and Section 12(1)(b) of the Indian Passport Act.

3. The prosecution case in short is that the accused obtained a passport from the Regional Passport Office, Thiruvananthapuram on 16.06.2000 and concealing the same he obtained another passport from Riyadh by making false documents and thereby committed the offence.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioner submitted that the petitioner is absolutely

innocent and he has been falsely implicated in the present case. He further submitted that there are no materials to connect the petitioner with the alleged crime and hence he is entitled to get bail. The learned Public Prosecutor opposed the bail application. He contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioner and if the petitioner is released on bail at this stage, it would affect the course of investigation.

6. Perusal of the case diary would reveal that prima facie there are materials on record to connect the petitioner with the crime. However, the petitioner was arrested on 24.12.2021. The only non-bailable offence involved is Section 468 of IPC. In order to attract Section 468 of IPC the forgery must be for the purpose of cheating. The prosecution has

no case that the petitioner forged documents for cheating. In view of the nature of the crime and the stage of investigation, I do not find any reason to hold that the continued detention of the petitioner is required for any purpose. The investigation seems to have reached a fair stage. For all these reasons, the petitioner is entitled to be released on bail on conditions.

In the result, the application is allowed on the following conditions:-

(i) The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.

(ii) The petitioner shall fully co-operate with the investigation.

(iii) The petitioner shall appear before the investigating officer between 10.00 a.m and

11.00 a.m on every Saturday until further orders. The petitioner shall also appear before the investigating officer as and when required by him.

(iv) The petitioner shall not commit any offence of like nature while on bail.

(v) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The petitioner shall not leave State of Kerala without the permission of the trial Court.

Sd/-

DR. KAUSER EDAPPAGATH
JUDGE

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