

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

Bail Appl..No. 1776 of 2015 ()

CRIME NO. 39/2015 OF KILIKOLLOOR POLICE STATION, KOLLAM

PETITIONERS/ACCUSED NO. 1 & 2 :

- 1. AMEERJAN, AGED 46 YEARS,
S/O.HANEEFA, KATTUVILA PUTHEN VEEDU, KILIKOLLOOR,
KALLUMTHAZHAM P.O., KOLLAM.**
- 2. SHAJAHAN, AGED 44 YEARS,S/O.HANEEFA,
PUTHEN VILA KISHAKKETHIL, ROSE NAGAR 78,
NEAR CHUMADUTHAGI JUNCTION, MANGADU, KOLLAM.**

**BY ADVS.SRI.V.V.RAJA
SRI.M.T.SURESHKUMAR**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, KOCHI - 682 031.**

BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

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B.A.No. 1776 of 2015

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Dated this the 9th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under sections 419, 468, 471 read with 34 IPC and section 12(1) (b) of the Indian Passports Act, 1967. The prosecution case is that using the photograph of the second petitioner the first petitioner, who is his brother, obtained a passport. The first petitioner used other documents also to commit the forgery.

3. Heard.

4. Learned counsel submits that the incident happened in 1989 and thereafter, the first petitioner was issued a passport with his own photograph. That does not wipe off the criminal liability. The fact that the offence came to light only recently also is no ground to take a lenient view. The petitioners put the blame on the agent who obtained the passport. It cannot be accepted. When the passport was issued to him, the first petitioner knew that the passport carried not his photograph. There is a *prima facie* case against him. But, so far as the second petitioner is

concerned, there is no reliable material with the prosecution to prove his involvement. So, I am inclined to grant his prayer.

In the result, this application is allowed in part. The second petitioner will be released on bail after interrogation on his executing a bond for Rs.25,000/-(Rupees Twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) He shall surrender his passport before the lower concerned of if he does not have one, he shall file an affidavit to that effect within five days of his release.

3) He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

4) He shall not destroy or tamper with evidence.

5) He shall appear before the Investigating Officer between 10 a.m. to 11a.m. on every Wednesday for four months or till the final report is filed, whichever is earlier.

6) He shall not get himself involved in any other criminal case while he is on bail.

7) He shall not intimidate or attempt to influence the witnesses.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law. The application is dismissed so far as the first petitioner is concerned. Learned counsel submits that the first petitioner will surrender before the Investigating Officer. He may do so if he is so advised.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge