

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

Bail Appl..No. 2321 of 2015 ()

CRIME RC/S/NO/7/2014 BY CBI COCHIN UNIT

PETITIONER/ACCUSED NO.2 :

**MOHAMMED AAFAQUE, AGED 29 YEARS,
S/O. MUHKTAR AHMED, CHAJARPUR P.O.,
AMBEDKAR NAGAR, UTTAR PRADESH.**

**BY ADVS.SRI.SALISH ARAVINDAKSHAN
SRI.S.RAJEEV**

RESPONDENT :

**STATE REPRESENTED BY DY.S.P.,
ACB, CBI, O/O CBI,
KATHRIKADAVU, KOCHI-682 017.**

R1 BY ADV. SRI.P.CHANDRASEKHARA PILLAI, C.B.I.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

P. UBAID, J.

B.A.No.2321 of 2015

Dated this the 8th day of May, 2015

O R D E R

The petitioner herein is the 2nd accused in Crime No.RC/S/No.7/2014 of the CBI Cochin Unit, registered under Section 120B IPC read with 406 IPC and Section 65 of IT Act. He seeks regular bail under Section 439 of the Code of Criminal Procedure. The application filed by him for regular bail was dismissed by the learned Sessions Judge, Ernakulam on 09.04.2015. The petitioner has been in judicial custody since 24.03.2015.

2. The prosecution case is that the petitioner and the others, by using scientific means and computer techniques, manipulated the results of entrance examination conducted by Central Government.

3. This application for regular bail is opposed by the learned Public Prosecutor on the ground that investigation is still in progress, and that if the accused is now released, it will definitely obstruct the investigation.

4. On hearing both sides, and on a perusal of the materials including the case diary I find that investigation in this case is practically over, and that the petitioner can be now released on appropriate conditions. On a perusal of the case diary, I find that the investigating officer has already questioned the material witnesses and has recovered the material documents. However, the petitioner will have to be directed report before the investigating officer till investigation is over, to ensure that the remaining part of investigation is not in any manner obstructed. I find that the police has already collected the necessary materials as part of investigation, and I do not find the necessity of continued detention of the petitioner in custody.

5. In the result, this application for bail is allowed. The petitioner will be released on bail on his executing bond with two solvent sureties for Rs.1,00,000/- (Rupees One Lakh only) to the satisfaction of the learned Magistrate having jurisdiction. Bail is granted on condition that,

a) The petitioner shall report before the investigating officer between 10 am. and 11 am. on all Wednesdays, for a period of two months.

b) The petitioner shall not leave the

jurisdictional limits of First Class Magistrate for three months.

c) The petitioner shall not in any manner influence or intimidate the material witnesses, and he shall not have any contact with the material witnesses directly or over telephone or otherwise.

d) The petitioner shall surrender his passport before the learned Magistrate.

e) The petitioner will make a security deposit of Rs.50,000/- (Rupees Fifty Thousand only) in the court below as a further condition for bail. The amount of security deposit will be released on conclusion of trial. It will be subject to forfeiture in case of absence during trial without sufficient reason.

Sd/-

P. UBAID, JUDGE

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