

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

Bail Appl..No. 4186 of 2015 ()

CRIME NO. 421/2015 OF KANNAVAM POLICE STATION, KANNUR

PETITIONERS/ACCUSED 1 AND 2 :

- 1. ASKAR.M., AGED 22 YEARS,
S/O.HAMEED, STUDENT, KELOTH HOUSE,
P.O.VAYANNUR, KOLAYAD AMSOM, KOLAYAD DESOM,
THALASSERY TALUK, KANNUR DISTRICT.**
- 2. PUTHIYAPURAYIL KASIM, AGED 40 YEARS,
S/O.ABOOBACKER, BUSINESS, NAZEEMA MANZIL,
P.O.KOLAYAD, KOLAYAD AMSOM, THALASSERY TALUK,
KANNUR DISTRICT.**

BY ADV. SRI.CIBI THOMAS

RESPONDENTS/COMPLAINANT/STATE :

- 1. THE STATION HOUSE OFFICER,
KANNAVAM POLICE STATION, KANNUR-670650.**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI. V. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

SUNIL THOMAS, J.

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B.A.No.4186 of 2015

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Dated this the 27th day of July, 2015

ORDER

First and second accused in Crime No.421 of 2015 of the Kannavam Police Station are the petitioners herein.

2. The allegation of the prosecution is that on 13.04.2015, the second accused allegedly produced certain documents for some official purposes. One of the certificate contained therein was a "one and the same certificate". The certificate which was produced before the Village Officer, Kolayad had digital signature of that of Vekkalam Village Officer, allegedly affixed on 13.04.2015. Since the very same Village Officer, Kolayad had earlier functioned as the Vekkalam Village Officer and that she was on leave on 13.04.2015, the alleged date of the above certificate, she got suspicious and a complaint was laid. Pursuant to the above, a crime was registered for offences punishable under Sections 465, 468, 471 r/w Section 34 of the Indian Penal Code. The accused approached the Sessions Court and the Sessions Court, by a common order 25.06.2015, granted bail to the third accused and rejected the bail application of accused 1 and 2. Consequently ,they have approached this Court seeking anticipatory bail.

3. Heard and examined the records.

4. The case of the prosecution as revealed in the course of investigation is that the document which was produced by the second accused was allegedly got prepared by the third accused, handed over to the first accused, who in turn handed it to the second accused. Virtually, the allegation is that third accused has created the document or atleast can reveal the person who has created it, the modus operandi involved, the manner in which it was prepared and whether, any other persons are involved. This may call for custodial interrogation and hence, if anticipatory bail is granted to the second accused, who is the second petitioner herein, probably it may hamper the proper investigation. However, regarding the first accused, his role is confined only to collecting it from the third accused and handing over it to the second accused. In the above circumstances, I feel that the first accused (first petitioner) can be granted bail but subject to conditions. Hence, the application is allowed in part as follows:

(I) Anticipatory bail application of the second accused (second petitioner) is rejected.

(II) Anticipatory bail application of the first petitioner (first accused) is allowed, subject to the following conditions:

(a) First petitioner shall appear before

the Investigating Officer on 01.08.2015 between 9 a.m. and 10 a.m. and shall undergo interrogation. Thereafter, if he is proposed to be arrested, he shall be released on bail on he executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for the like sum each.

(b) Petitioner shall co-operate with the investigation and shall appear before the Investigating Officer as and when called for.

(c) Petitioner shall not threaten, intimidate or coerce the witnesses or the de facto complainant.

Sd/-

SUNIL THOMAS
Judge

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