

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937H

Bail Appl..No. 5758 of 2015

CRIME NO. 334/2015 OF ADHUR POLICE STATION, KASARAGOD DISTRICT.
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PETITIONER/1ST ACCUSED:

**ABDUL GAFOOR, AGED 41 YEARS,
S/O.ABDUL KHADAR, BALANADUKKA HOUSE,
MULIYAR P.O., KASARAGOD DISTRICT.**

BY ADV. SRI.I.V.PRAMOD

RESPONDENT/COMPLAINANT/STATE:

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

BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.5758 of 2015

Dated this the 16th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.334 of 2015 of Adhoor Police Station registered for offences punishable under Sections 420, 465, 466 and 471 of the Indian Penal Code.

3. Prosecution case, in short, is that during 2010, a land was purchased in the name of the defacto complainant's wife for ₹16.80 lakhs in Muliyar Village and later it was revealed that the accused persons after conspiring with the Village Officer and Villageman, created false patta and assigned the land.

3. Heard both sides.

4. Learned Prosecutor opposed the bail application contending that this is the second application for pre-arrest bail and it shall not be entertained. It is also contended that the petitioner is the real person involved in the case. In answer to this contention, learned counsel for the petitioner submitted that a Village Officer by name Shaji, who has been

transferred from Thiruvananthapuram to Kasaragod, had manipulated records in so many cases. According to the learned counsel, petitioner is not guilty of any offence.

Petitioner's earlier application for pre-arrest bail was dismissed on 09.09.2015. Considering the materials in the case diary, I find that the following directions can be made to meet the ends of justice:

In the event the petitioner surrenders before the investigating officer within a period of two weeks from today, he shall be produced before the Magistrate having jurisdiction on the date of surrender itself. In that event, he is free to move for bail and the learned Magistrate shall consider the application on merits and pass appropriate orders as expeditiously as possible, if possible on the date of surrender itself. If petitioner does not surrender before the investigating officer within the said time, the investigating officer is free to arrest him, as if no order is passed in this case.

Application is disposed of.

A. HARIPRASAD, JUDGE.

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