

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Bail Appl..No. 5948 of 2015

**CRIME NO. 1602/2011 OF ERNAKULAM TWON SOUTH POLICE STATION,
ERNAKULAM DISTRICT.**
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PETITIONERS/ACCUSED:

- 1. MUHAMMED THOMMAN VALAPPIL,
AGED 60 YEARS, S/O HYDRAMAN,
THOMMAN VALAPPIL HOUSE, EAST MANGAD.P.O,
KOTTARAM, VADAKKANCHERY, THRISSUR DISTRICT.**
- 2. AMINA MUHAMMED, AGED 51 YEARS,
W/O.MUHAMMED THOMMAN VALAPPIL,
THOMMAN VALAPPIL HOUSE, EAST MANGAD.P.O,
KOTTARAM, VADAKKANCHERY, THRISSUR DISTRICT.**

BY ADV. SRI.K.RAKESH

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.5948 of 2015

Dated this the 1st day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.1602 of 2011 of Ernakulam Town South Police Station registered for offences punishable under Sections 465, 468 and 471 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that the petitioners along with other accused with the common intention of cheating the IDBI Bank, forged passports and degree certificates and other documents and availed a NRI home loan and thereby committed the aforementioned offences.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. After hearing the learned counsel on both sides, I am of the view that custodial interrogation of the petitioners are not

necessary in this case. Learned Public Prosecutor submitted that the petitioners have been questioned after issuing notice under Section 41A Cr.P.C. They should further co-operate with the investigation. Hence, following directions are made :

1. Petitioner shall surrender before the investigating officer within a period of two weeks from today and submit himself for interrogation. In that event, the petitioner shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency.
3. Petitioner shall appear before the Investigating Officer as and when directed.
4. Petitioner shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-

**A.HARIPRASAD,
JUDGE.**

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