

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937**

**Bail Appl..No. 6262 of 2015 ()**

**CRIME NO. 511/2014 OF VYTHIRI POLICE STATION, WAYANAD DISTRICT.**

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**APPLICANT/ACCUSED:**

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**RASHEED C.A., AGED 36 YEARS,  
S/O.ALAVI C.P., CHERUMPALA HOUSE,  
KURICHIYARMALA, VYTHIRI TALUK,  
WAYANAD DISTRICT.**

**BY ADVS.SRI.P.VENUGOPAL,  
SMT.T.J.MARIA GORETTI.**

**RESPONDENT/STATE:**

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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM,  
(REPRESENTING SUB INSPECTOR OF POLICE,  
VYTHIRI POLICE STATION, WAYANAD DISTRICT),  
PIN-682 031.**

**BY PUBLIC PROSECUTOR SMT.R. REMA.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**rs.**

**A.HARIPRASAD, J.**

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**B.A. No.6262 of 2015**  
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**Dated this the 27<sup>th</sup> day of October, 2015**

**ORDER**

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner apprehends arrest in Crime No.511 of 2014 of Vythiri Police Station registered for offences punishable under Sections 416 and 468 of the Indian Penal Code and Section 12(1) of the Passports Act.

3. It is alleged that the accused had stolen the school certificate of his uncle by name Kassim and obtained a passport on 04.11.1997 by forging documents and by effecting impersonation. Later he undertook travel on the basis of the said passport and thereby committed the offences.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner genuinely obtained a passport in the year 2011 by submitting application. Then only it was revealed that the earlier passport was issued in the name of one Kassim by using his photograph.

6. Learned Prosecutor opposed the bail application. According to her, petitioner has intentionally procured a forged passport and undertook

travel on that basis. Custodial interrogation is necessary is the prosecution contention.

Considering the nature of allegations and observations in the order of the courts below, following directions are issued:

Petitioner shall surrender before the investigating officer within a period of one week and submit himself for interrogation. Thereafter, the investigating officer shall produce him 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 production 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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