

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Bail Appl. No. 6293 of 2015 ()

CRIME NO. 1828/2009 OF NEDUMBASSERY POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED NO.2:

**MUJEEB, AGED 36 YEARS,
S/O. MOIDEEN, VENKANAYULLATHIL HOUSE, IRINGATH (P.O),
KOYILANDY TALUK, KOZHIKODE**

BY ADV. SMT. K.DEEPA (PAYYANUR)

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE SUB INSPECTOR,
NEDUMBASSERY POLICE STATION, ERNAKULAM - 683 585.**

BY PUBLIC PROSECUTOR SMT. BINDHU GOPINATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

BABU MATHEW P. JOSEPH, J.

B.A. No. 6293 of 2015

Dated this the 12th day of November, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondents. C.D. produced.

3. The petitioner is the 2nd accused in Crime No.1828 of 2009 of Nedumbassery Police Station. The offences alleged are under Sections 468 and 471 of the Indian Penal Code and under Section 12(1)(b) and (d) of the Passports Act. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. He is working in a medical shop. He has nothing to do with any travel agency. He has no criminal antecedents. The 1st accused in this case was

already granted anticipatory bail by this Court as per order dated 01.09.2011 in CrI.M.C. No.1371 of 2011. The alleged occurrence in this case had taken place in 2009. The investigation of the case is almost over. The custodial interrogation of the petitioner is not required. She further submits that the petitioner apprehends arrest by the police at any time.

4. Learned Public Prosecutor has opposed this petition. She admits the fact that the investigation of the case is almost over. She further submits that no criminal antecedents have been reported against the petitioner. On considering the facts and circumstances, stage of the investigation and the fact that no criminal antecedents have been reported against the petitioner and the 1st accused in this case was already granted anticipatory bail, this Court is of the view that the petitioner can be granted anticipatory bail imposing appropriate conditions.

5. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

1. The petitioner shall surrender before the Investigating Officer on or before 20.11.2015. In the event of his arrest, he shall be released on bail on his executing a bond for ₹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 petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.
3. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.
4. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.
5. The petitioner shall not commit any similar

offence while on bail.

6. The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This petition is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

ww/12/11/15