

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Bail Appl..No. 6306 of 2015 ()

**CRIME NO. 1268/2014 OF HOSDURG POLICE STATION,
KASARGOD DISTRICT**

PETITIONER/ACCUSED :

**MOHAMMED ASHRAF PAIKA MOIDEEN KUNHI, AGED 47 YEARS,
S/O. ABOOBACKER, RESIDIGN AT KARANGAPPALLA HOUSE,
NEKRAJE P.O., NEKRAJE VILLAGE,
KASARAGOD TALUK AND DISTRICT.**

**BY ADVS.SRI.JAWAHAR JOSE
SRI.ARUN AJAY SHANKAR**

RESPONDENT/STATE :

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

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.6306 of 2015

Dated this the 19th day of November, 2015

ORDER

Petitioner is the second accused in Crime No.1268 of 2014 of Hosdurg Police Station registered alleging offences punishable under Sections 465, 468, 471 and 109 of the Indian Penal Code, Sections 65 and 66 of the Information Technology Act and Section 12(1)(b) of the Passports Act. He seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure.

2. Allegation, in short, is that the search conducted by the Police Officer in the house of the first accused on 11.12.2014 revealed that he was keeping forged documents such as mark lists, degree certificates of various Universities, stamp papers, computer printer, etc. On questioning the first accused, he confessed the involvement of the second accused in the crime. Second accused (petitioner) could not be arrested as he was abroad at that time.

3. Heard both sides.

4. Learned counsel for the petitioner submitted that the petitioner was employed in Sharja during 2010 and he is not involved in the offence. Further, he was in jail in Sharja during the time.

5. Learned Prosecutor opposed the bail application contending that the raid was in the month of December, 2014.

There is no material placed before this Court to find that the petitioner was in jail during the time. Considering the nature of allegations, I am not inclined to grant pre-arrest bail to the petitioner. Hence the following order:

In the event the petitioner surrenders before the investigating officer within a period of two weeks from today, he shall be produced before the learned 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 the 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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