

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Bail Appl..No. 6541 of 2015 ()

CRIME NO.831/2015 OF THRIKKAKARA POLICE STATION.

.....

PETITIONER:

**P.S. NAJEEB, S/O.SAIDU MUHAMMED,
AGED 41 YEARS, EDAVAZHICKAL HOUSE,
MADAVANA P.O., KODUNGALLUR -680 666,
ERIYADU VILLAGE, THRISSUR DISTRICT.**

**BY ADVS.SRI.P.N.SASIDHARAN,
SRI.RIJO JOY.**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
THRIKKAKARA POLICE STATION,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.6541 of 2015

Dated this the 2nd day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.831 of 2015 of Thrikkakara Police Station registered for offences punishable under Sections 468 and 471 of the Indian Penal Code.

3. Prosecution case, in brief, is that on 30.07.2015, Police received a complaint from the Regional Transport Officer, Ernakulam that a forged no objection certificate had been produced for transfer of a motor bike from West Bengal to the State of Kerala. Petitioner is arraigned as second accused in the crime.

4. Heard the learned counsel for the petitioner and the learned Prosecutor.

5. Learned Prosecutor submitted a report of the Sub Inspector of Police, Thrikkakara for perusal. As per the report, the petitioner brought down the vehicle from West Bengal to Kerala and took active part in its registration in a local name.

6. Learned counsel for the petitioner submitted that petitioner is

not involved in any import of vehicle to Kerala. Further, he had been questioned by the Police in connection with the above crime in two times. Petitioner also undertakes that he will appear before the Police as and when directed.

Considering the facts and circumstances, I am of the view that no custodial interrogation is necessary in this case. Therefore the following order:

i. Petitioner shall surrender before the investigating officer within a period of three weeks and submit himself for interrogation. Thereafter he shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in Crime No.831 of 2015 of Thrikkakara Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioner shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

cks