

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Bail Appl..No. 6756 of 2015

**CRIME NO. 228/CR/2005(VALIYATHURA CRIME NO.176/2015) OF C.B.C.I.D.-SIG-I,
THIRUVANANTHAPURAM.**
.....

PETITIONER/2ND ACCUSED:

**ABDUL KARIM, S/O ALAVIKUTTY,
AGED 54 YEARS, POOVATHIKKAL HOUSE,
PULIYAKKODE P.O, KUZHIMANNA,
MALAPPURAM DISTRICT.**

BY ADV. SRI.K.RAKESH

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-682 031.**
- 2. THE DETECTIVE INSPECTOR,
C.B.C.I.D. SIG-I, THIRUVANANTHAPURAM, PIN-695 001.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.6756 of 2015

Dated this the 29th day of October, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the second accused in Crime No.228/CR/2005 (Valiyathura Police Station Crime No.176 of 2005) of CBCID-SIG-I, Thiruvananthapuram. At present he is working abroad. Apprehension of the petitioner is that the Police may arrest him on his arrival. Hence the application for pre-arrest bail.

3. Prosecution case is that the accused persons are involved in offences punishable under Sections 465, 468, 471 and 419 read with Section 34 of the Indian Penal Code and Section 12 of the Passports Act as they created a forged passport and it was attempted to be used on 19.04.2005. The first accused was intercepted on the said date for using the forged passport. Investigation revealed the complicity of the petitioner.

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

5. Learned counsel for the petitioner submitted that the petitioner was a travel agent earlier and the alleged transaction was in the year 1999.

Thereafter he stopped the travel agency and took up employment abroad. He has no involvement in the alleged forgery.

6. Learned Prosecutor opposed the bail application contending that the petitioner is involved in three other cases with similar allegations.

Reckoning the entire facts and circumstances, following directions are issued:

Petitioner shall positively surrender before the investigating officer within a period of one month 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 stipulated 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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