

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

Bail Appl..No. 6836 of 2014

CRIME NO. 373/2013 OF NADAKKAVU POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED:

**PUTHIYOTTIL VISWANATHAN, AGED 42 YEARS
S/O.GOVINDAN NAIR, PUTHIYOTTIL HOUSE
VELLIPARAMBIL P.O., CALICUT.**

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. SUB INSPECTOR OF POLICE
NADAKKAVU POLICE STATION, KOZHIKODE - 673 011.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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B.A. No.6836 of 2014

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Dated this the 7th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the 4th accused in Crime No.373 of 2013 of the Nadakkavu Police Station, registered for the offences under Sections 468 and 471 IPC read with Section 34 IPC.

3. The allegation against the petitioner and the other accused is that they have falsely fabricated and forged various documents like patta etc. and thereafter, the notarized attested copies of such forged documents relating to proceedings in SMC 1709/2008 and SMC 19/42/2009 were produced before the Special Tahsildar, Land Tribunal, Kozhikode, thereby making use of such forged documents as genuine. Those documents were found to be prepared in forged and fabricated Form I. It is alleged that on 14.08.2014 at 11.40 a.m., the investigating officer conducted

a search at the house of the petitioner and seized several incriminating documents like blank Forms with seals affixed etc.

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

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. This is a case wherein the custodial interrogation of the petitioner is required for the continued investigation. The allegations against the petitioner are very grave and serious. Matters being so, the petitioner is not entitled to the discretionary relief of anticipatory bail.

6. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today

and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/7/1/15

// True Copy //

P.A. To Judge