

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Bail Appl..No. 7366 of 2015 ()

CRIME NO. 1634/2015 OF MALAPPURAM POLICE STATION, MALAPPURAM DISTRICT.

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PETITIONER/1ST ACCUSED:

**MOHAMMED BASHEER, AGED 32 YEARS,
S/O. MOIDEENKUTTY, VATTAPARAMBAN,
MOOCHIKKATIL HOUSE, THRIPPAACHI,
PALAKKAD P.O, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN,
SRI.JITHIN LUKOSE.**

RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031,
(IN CRIME NO. 1634/2015 OF MALAPPURAM POLICE STATION).**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A. HARIPRASAD, J.

Bail Appl. No.7366 of 2015

Dated this the 8th day of December 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1634 of 2015 of Malappuram Police station registered for the offences punishable under Secs.465, 468 and 471 read with Sec.34 of the Indian Penal Code and Sec.12(1) (b) of the Indian Passport Act. Prosecution allegation is that, the petitioner along with the 2nd accused, who is a travel agent, falsely created SSLC certificate to show that he passed SSLC and thereby tried to get Emigration Clearance Not Required (ECNR) endorsed on his passport.

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

4. Learned counsel for the petitioner submitted that the petitioner entrusted his passport to the 2nd accused. The 2nd accused, in turn, might have forged the documents for which, the petitioner is not a party.

5. Learned Public Prosecutor opposed the bail application. It is contended that without the knowledge and consent of the petitioner, who is the beneficiary of the forgery, the 2nd accused would not have committed the offence. Further, identity of the 2nd accused could not be revealed on investigation and for identifying the 2nd accused, custodial interrogation of the petitioner is highly essential.

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

The petitioner shall surrender before the Investigating Officer within a period of two weeks from today and submit himself for interrogation. After questioning, the Investigating Officer shall produce the petitioner before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioner is free to move for bail before the learned Magistrate and in that event, the learned Magistrate may

consider the application on merits if possible on the date of surrender itself. If the petitioner does not surrender before the investigating officer as directed, the investigating officer is free to arrest him after the stipulated period.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/08/12/2015

P.A. To Judge