

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Bail Appl..No. 7525 of 2015

CRIME NO. 271/2015 OF VELLAMUNDA POLICE STATION , WAYANAD

PETITIONER/ACCUSED:

RASHEED KOMBAN AGED 45 YEARS
S/O.ABDULLA KOMBAN, KOMBAN HOUSE, KATTAYAD P.O.
MANANTHAVADY TALUK, WAYANAD DISTRICT 670 731.

BY ADV. SRI.V.SHYAM

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA
(REP. BY S.I. OF POLICE
VELLAMUNDA POLICE STATION-CRIME NO.271/15)
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RAJA VIJAYARAGHAVAN.V. J

B.A. 7525 of 2015

Dated 21st December, 2015

ORDER

- 1.This petition is filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.
- 2.The petitioner is the sole accused in crime No.271 of 2015 of Vellamunda police station. The said crime is registered for offence punishable u/s 12(1)(b) and 419, 420, 468 and 471 of the I.P.C.
- 3.The gist of the allegation is that the petitioner had secured passport No. F 9386559 dated 13.9.2006 from the Passport Office, Kozhikode by mis-representing that the relevant certificates produced pertained to the petitioner, though it was of his brother Haris Komban.
- 4.I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

5.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated and there are justifiable reasons for grant of pre-arrest bail. It is further submitted that the petitioner is stationed abroad and is planning to come to India.

6.The learned Public Prosecutor submitted that this petition is not maintainable in view of the judgment of this Court in **Souda Beevi and Another v. S.I, of Police and others (2011 (4) KLT 52)** and contended that relief of anticipatory bail cannot be applied for by a person who is not in India when the application is filed. The learned Public Prosecutor also submitted that the allegations in the crime registered against the petitioner is such that, interrogation cannot be dispensed with.

7.After evaluating the rival contentions, this Court is of

the considered view that discretionary relief of pre-arrest bail cannot be granted to the petitioner in the instant case.

8. In the result, the application is dismissed.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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P.S To Judge