

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Bail Appl..No. 7509 of 2014 (C)

CRIME NO. 161/2013 OF CHAVARAPOLICE STATION , KOLLAM DISTRICT

PETITIONER/ACCUSED: -

PRASANNAN, AGED 40 YEARS,
S/O RAGHAVAN, MANNOOR VEEDU,
NETTIYADU, KANNANKULANGARA,
EDAPPALLICOTTAH PO, KARUNAGAPPALLY,
KOLLAM DISTRICT.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN

RESPONDENTS/STATE: -

1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031,
(CRIME NO.161/2013 OF CHAVARAPOLICE STATION
KOLLAM DISTRICT)
2. STATION HOUSE OFFICER,
CHAVARAPOLICE STATION,
KOLLAM DISTRICT - 691 583
(CRIME NO.161/2013 OF CHAVARAPOLICE STATION
KOLLAM DISTRICT)

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
05-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DMR/-

B.SUDHEENDRA KUMAR, J.

Bail Application No.7509 of 2014

Dated this the 5th day of June 2015

O R D E R

The petitioner is the accused in Crime No. 161/2013 of Chavara Police Station registered under Sections 465, 468, 471 and 420 of IPC and Section 12 (a) & (b) of the Passport Act. The allegation against the petitioner is that the petitioner obtained passport by producing forged documents and the photograph of another person, namely, Ravi. When the above passport was produced before the authorities for renewal, it was revealed in police verification that the photograph on the passport was not the photograph of the petitioner and the documents produced to obtain the passport were forged documents.

2. The petitioner has filed this petition praying for a relief under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has opposed the application. It has been submitted by the learned counsel for the petitioner that the passport was taken by the petitioner in the year 2002 and that the petitioner has not so far used the said passport for going abroad and in the said circumstances, the petitioner is entitled to be granted the relief under Section 438 Cr.P.C., particularly when the petitioner is an illiterate person. Even assuming that the petitioner is an illiterate person, the petitioner must be aware that his passport must have his photograph and not the photograph of some other person. Considering the facts and circumstances of the case, I am of the view that the custodial interrogation of the petitioner is necessary to find out as to why the petitioner obtained a passport like this. The investigation has to be also conducted to ascertain as to whether the said passport was used by some other person for some purpose other than going abroad. Considering the nature and gravity of the offence alleged against the petitioner, I am not inclined to grant the relief under Section 438 Cr.P.C. in favour of the petitioner.

In the result, this application stands dismissed. However, the petitioner shall be at liberty to surrender before the Investigating Officer within two weeks from today and in the event of such surrender, the Investigating Officer shall produce the petitioner before the Jurisdictional Magistrate after interrogation. In the event of the petitioner filing an application for bail when he is produced before the Jurisdictional Magistrate, the learned Magistrate shall consider and dispose of the application for bail as expeditiously as possible in accordance with law.

**B.SUDHEENDRA KUMAR,
JUDGE**

DMR/-