

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

Bail Appl..No. 7839 of 2015 ()

CRIME NO. 2101/2015 OF CENTRAL POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED:

**SHOUKATHALI, S/O. MOIDU, AGED 37 YEARS,
MELEPATTUVALAPPIL HOUSE, PERUMANNUR P.O.,
CHALISSERY, PALAKKAD DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE & COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A.No.7839 of 2015

Dated this the 14th day of December, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.2101 of 2015 of the Central Police Station registered for the offences punishable under Sections 468, 471 and 420 of the Indian Penal Code, Section 39 r/w Section 191, 146, 196, 183(1) & (2) of the Motor Vehicles Act and Section 121 of the Kerala Police Act.

3. Prosecution case is the petitioner manipulated the temporary registration number of a costly car and plied it with No.KL-O7BQ/2020. It is the prosecution case that with the same number another vehicle belonging to the defacto complainant was plying on the road.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner purchased a new car and after 6 days it was entrusted to one Muhammed Shakkir. He was

intending to produce a movie at that time. Muhammed Shakkir disappeared and enquiry revealed that he had pledged this vehicle with a jeweler at Kannur and received gold ornaments for high value. The petitioner then cleared the liability of the jeweler and received back the car. He surrendered the vehicle before the Central Police Station on knowing about the issues.

6. Learned Public Prosecutor opposed the bail application, contending that the petitioner was attempting to avoid tax by fixing a permanent number plate in the car even before registering the vehicle.

7. Considering the nature of the allegations, I am of the view that following directions will help the investigation of the case.

- (a) The petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. Thereafter, he shall be released on bail on executing a bond for ₹1,00,000/- (Rupees one lakh only) with

two solvent sureties for the like sum to the satisfaction of the Investigating Officer.

- (b) The petitioner shall appear before the Investigating Officer as and when directed for the purpose of interrogation.
- (c) The petitioner shall pay the entire tax for the vehicle with fine and other charges thereon within a period of one week from the date of execution of the bond.
- (d) If the vehicle is to be brought before the registering authority for registration, then the Investigating Officer shall make arrangements for taking the vehicle to the RT office for the purpose of payment of tax and registration of the vehicle.
- (e) The petitioner shall co-operate with the investigation of the case.
- (f) The petitioner shall not intimidate or attempt to influence the witnesses.
- (g) The petitioner shall not in any manner

interfere or meddle with the investigation.

- (h) The petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-

A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge