

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

Bail Appl.No. 8359 of 2014

CBCID CRIME NO. 568/CR/ISIT/2012 AT KOZHIKODE ,
.....

PETITIONER(S)/ACCUSED:

**LAHIK K., AGED 43 YEARS,
S/O.SAIDU, KALLADA HOUSE, ASOKAPURAM,
CALICUT - 673 001.**

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENT(S)/COMPLAINANT:

- 1. DEPUTY SUPERINTENDENT OF POLICE,
INTERNAL SECURITY INVESTIGATION TEAM CBCID,
KOZHIKODE - 673 001.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
06-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B. KEMAL PASHA, J.

.....
B.A. No.8359 of 2014
.....

Dated this the 16th day of January, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 3<sup>rd</sup> accused in Crime No.568/CR/ISIT/2012 of CBCID, Kozhikode registered for the offences punishable under Sections 419, 468 and 471 IPC and Section 12(1)(b) of the Passports Act.

3. Originally, the crime was registered as Crime No.154/2009 of Ambalathara Police Station. It is alleged that the 1<sup>st</sup> accused, with the aid of the other accused, had made use of the election ID card, ration card and school certificate of the 2<sup>nd</sup> accused as his genuine documents and attempted to procure a passport by affixing the photograph of the 1<sup>st</sup> accused in the passport application. The allegation against the present petitioner is that he was working as an

employee at M/s.Alhind Travels situated at the Markas building, Mavoor road, Kozhikode and the said passport application was processed through the said travel agency wherein the petitioner was an employee. The allegation is that the application was so made by the 1<sup>st</sup> accused with the active assistance of the petitioner.

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

5. It seems that there is absolutely nothing to show that the petitioner was behind the filing of such an application by the 1<sup>st</sup> accused. The only allegation against the petitioner is that he was an employee of the said travel agency. There is nothing to show that he was managing the affairs of the travel agency. Considering the facts and circumstances of the case, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be

granted to the petitioner.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

*(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 23.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.*

*(ii) The petitioner shall not tamper with the evidence or influence witnesses.*

*(iii) The petitioner shall make himself available for interrogation as and when required by*

*the investigating officer.*

*(iv) The petitioner shall not involve in any offence while on bail.*

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/16/01

*// True Copy //*

*PA to Judge*