

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Bail Appl..No. 8799 of 2014 ()

CRIME NO. 1023/2013 OF CENTRAL POLICE STATION, ERNAKULAM

APPELLANT/ACCUSED NO 2 :

**TONY VARGHESE, AGED 28 YEARS
S/O.VARGHESE, VADAKKEDETHU HOUSE, MAMMOOD P.O.,
KURUMBANADU KARA, MADAPPILLY VILLAGE
CHANGANASSERRY TALUK, KOTTAYAM DISTRICT**

**BY SENIOR ADVOCATE SRI.P.VIJAYA BHANU
BY ADVS.SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

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B.A. No. 8799 of 2014

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Dated this the 4th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No. 1023 of 2013 of Central Police Station, Ernakulam registered for the offences punishable under Sections 465, 467, 468, 471, and 420 read with Section 34 IPC.

3. The allegation against the petitioner is that he fabricated and forged false documents for enabling him to procure Visa to proceed to USA, and submitted the same at the US Consulate at Chennai, thereby making use of those forged documents as genuine.

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

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. The allegations against the

petitioner are very grave and serious. It seems that he wanted to proceed to USA on the basis of false, forged and fabricated documents. He submitted the same before the US Consulate at Chennai and it has ultimately come out that those documents were forged. The investigation of this case is not over. Considering the seriousness of the allegations against the petitioner and the present stage of the investigation, I am satisfied that the petitioner is not entitled to the discretionary relief of anticipatory bail.

6. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned

Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

**Sd/-
B. KEMAL PASHA
JUDGE**

DSV/4/2/15

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P.A. To Judge