

A.Pradeepkumar Vs. the State of Kerala

A.Pradeepkumar Vs. the State of Kerala

SooperKanoon Citation : sooperkanoon.com/1141062

Court : Kerala

Decided On : May-16-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : A.Pradeepkumar

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN FRIDAY, THE 16^H DAY OF MAY 2014 26TH VAISAKHA, 1936 Bail Appl..No. 3291 of 2014 ----- CRIME NO. 1425/2011 OF HOSDURG POLICE STATION , KASARGOD CR.NO.650/CR/ISIT/12 OF CBCID ----- PETITIONER/ACCUSED : ----- A.PRADEEPAKUMAR, AGED 31 YEARS, S/O. KUNHAMBU NAIR, RESIDING AT MULLACHERY HOUSE, KODAM, BELUR, KLAYI, HOSDURG TALUK, KASARAGOD DISTRICT. BY ADV. SRI.T.MADHU RESPONDENT/STATE : ----- 1. THE STATE OF KERALA THROUGH THE STATION HOUSE OFFICER, HOSDURG POLICE STATION, KASARAGOD DISTRICT, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. THE CIRCLE INSPECTOR OF POLICE, INTERNAL SECURITY INVESTIGATION TEAM, KOZHIKODE, P.O.KOTTOOLI, KOZHIKODE,

KOZHIKODE DISTRICT - 673 525. BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16.05.2014,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Msd.
K.RAMAKRISHNAN, J.

----- B.A.No.3291 of 2014 -----
Dated this the 16th day of May, 2013.

ORDER

1.This is an application for bail filed by the sole accused in crime No.1425 of 2011 of Hosdurg Police Station (Cr.No.650/CR/ISIT/12 of CBCID) under Section 439 of the Code of Criminal Procedure. 2.The case of the prosecution in nutshell is that the accused by using false documents obtained a passport and thereafter traveled with that passport and thereby he had committed the offence punishable under Sections 465, 468 and 471 of the Indian Penal Code and Section 12 (1) (b) of Indian Passport Act. 3.The counsel for the petitioner submitted that the petitioner has not committed any offence and he is innocent of the same. He has been falsely implicated in the case. In fact, he had obtained the passport by producing genuine documents. He was arrested on 23.04.2014 and he is in jail from that day B.A.3291/14 2 onwards. 4.The application was opposed by the Public Prosecutor on the ground that the investigation is not over and he traveled by using forged passport. 5.Heard both sides and perused records. 6.The case was registered originally on the basis of the information given by the Deputy Superintendent of Police, Kanhangad, when it was brought to his notice that the petitioner had obtained passport by producing fake documents. Originally the Hosdurg Police has registered Crime No.1425 of 2011 against the petitioner under Sections 465, 468 and 471 of the Indian Penal Code and Section 12 (1) (b) of Passport Act. Thereafter, the investigation of the case has been transferred to CBCID and they have re-registered the crime as Crime No.650/CR/ISIT/12 of CBCID, Kozhikode. The petitioner could not be arrested as he was abroad at that time. So the investigating agency issued a look out notice to get his presence and on 23.04.2014 when he came to Karipur B.A.3291/14 3 Airport, on the basis of the look out notice, the Airport authorities detained the petitioner and then handed

over him to the Investigating Officer and accordingly he was arrested on that day and produced before the court and remanded to custody. He is in jail from that day onwards. I am not at this stage going to the question as to whether the petitioner had obtained the passport by producing false documents or not as it is a matter for evidence. Further, I am not also at this stage going the question as to whether the petitioner was aware of the registration of the crime or not for such a long time as claimed by the petitioner. Considering the fact that he is in jail from 23.04.2014 onwards and further custody is not required for the purpose of investigation, this Court feels that bail can be granted to the petitioner with some stringent conditions. So the application is allowed with following conditions:

1. The petitioner shall be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the Judicial First Class Magistrate Court-I Hosdurg. B.A.3291/14 4
2. The petitioner shall appear before the Investigating Officer on all Saturdays between 09.00 a.m. and 10.00 a.m. for a period of three months and thereafter on the last Saturday of every month between the same timings till the final report is filed.
3. The petitioner shall appear before the Investigating Officer for the purpose of interrogation as and when required in connection with the above crime in writing him to do so till the final report is filed.
4. The petitioner shall not leave State of Kerala without getting prior permission from the Judicial First Class Magistrate Court-I Hosdurg till the disposal of the case. With the above conditions, this bail application is allowed. Sd/- K.RAMAKRISHNAN, JUDGE. //TRUE COPY// P.A TO JUDGE DG