

Shabeer Vs. State of Kerala

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Court : Kerala

Decided On : Jul-15-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Shabeer

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY,THE15H DAY OF JULY2014/24TH ASHADHA, 1936 Bail Appl..No. 5161 of 2014 ----- CRIME NO. 476/2014 OF CHANGARAMKULAM POLICE STATION , MALAPPURAM ----- PETITIONER / ACCUSED : ----- SHABEER, AGED30YEARS, S/O. HAMZA, THADATHILPARAMBIL, POST PERUMANNOOR, PALAKKAD DISTRICT. BY ADVS.SRI.C.M.MOHAMMED IQUBAL SRI.V.I.MOHAMED ASHRAF RESPONDENT / STATE : ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT.LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1507-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Msd. THOMAS P. JOSEPH, J., ----- B.A. No.5161 OF2014----- Dated this the 15th day of July, 2014

ORDER

Petitioner is accused in Crime No. 476 of 2014 of the Changaramkulam Police Station registered for offences punishable under Sections 406,420,405 and 408 of the Indian Penal Code, apprehends arrest and has filed the application.

2. Learned Public Prosecutor has opposed the application. It is submitted that as per version of the defacto complainant, he had joined a course in an institute run by the petitioner by name 'Regional Management College, Edappal' and remitted Rs.31,000/- on various occasions. He was made to believe that the said institution is affiliated to a University at Thirunelveli. Later, the petitioner stated that the said University has merged with the CMJ University at Meghalaya. The petitioner handed over certain certificates issued by the CMJ University, Meghalaya which were later found to be fabricated.

3. Learned counsel submits that the allegations are not true. It is submitted that none of the certificates allegedly forged B.A.. No. 5161/2014 2 are produced along with the complaint. It is also submitted that the certificates are not issued by the petitioner but by the University concerned. Learned counsel has brought my attention the relief the defacto complainant has sought in paragraph 6 of the complaint, that he be paid Rs. 31,000/- and with Rs.15 Lakhs as compensation.

4. Allegation regarding the issue of forged certificates has to be enquired as that might affect not only the defacto complainant but the others also. Request for pre-arrest bail cannot be allowed but I am inclined to issue directions. The application is disposed of as under:

1. Petitioner shall surrender before the officer investigating Crime No. 476 of 2014 of the Changaramkulam Police Station on 23.07.2014 at 10.00 am for interrogation.

2. In case interrogation is not completed that day, the petitioner shall appear before the officer investigating the case any other day/days and time as directed by the investigating officer.

3. Petitioner shall co-operate with the investigation of the case.

4. It is open to the petitioner to produce all the relevant records in his custody, control and possession before the investigating B.A.. No. 5161/2014 3 officer relating to the matter under investigation.

5. In case the petitioner is arrested, he shall be produced before the jurisdictional magistrate the same day where it is open to the petitioner to request of regular bail with intimation given to the Assistant Public Prosecutor concerned at least two working days in advance.

6. If custody of the petitioner is required for any purpose, the investigating officer can move application for the purpose.

7. Learned magistrate shall consider the application(s) having regard to all relevant circumstances including whether custody of the petitioner is required for any purpose and pass appropriate orders as early as possible. Sd/- THOMAS P. JOSEPH JUDGE sd // TRUE COPY // P.A. TO JUDGE

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