

Ahammed Ismail vs State of Kerala

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Court : Kerala

Decided On : Apr-13-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./9252/2022

Appellant : Ahammed Ismail

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
THURSDAY, THE 13TH DAY OF APRIL 2023 / 23RD CHAITHRA, 1945
CRIME NO.0540/2022 OF KOZHIKODE TOWN POLICE STATION,
KOZHIKODE PETITIONER/1ST ACCUSED: AHAMMED ISMAIL AGED
42 YEARS PALAKKAL HOUSE, ATHANIKKAL, VALLUVAMBRAM,
POOKOTTUR, MALAPPURAM, PIN - 673642 BY ADVS. P.MOHANDAS
(ERNAKULAM) K.SUDHINKUMAR SABU PULLAN GOKUL D.
SUDHAKARAN R.BHASKARA KRISHNAN RESPONDENTS/STATE &
COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 THE
STATION HOUSE OFFICER KOZHIKODE TOWN POLICE STATION,

KOZHIKODE CITY, KOZHIKODE DISTRICT, PIN - 673001 BY
SIR.P.G.MANU, SR. PUBLIC PROSECUTOR THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 13.04.2023, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 13th day of April, 2023 This is an application for anticipatory bail filed by the first accused in crime No.540/2022 of Kozhikode Town police station, where the prosecution alleges commission of offences punishable under Sections 468 and 471 of IPC as well as Sections 66(C) and 66(D) of the Information Technology (Amendment) Act, 2008.

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

3. I have perused the relevant documents form part of the case diary placed by the learned Public Prosecutor.

4. The prosecution case is that fake building numbers

were given to various illegal constructions under Kozhkode Municipal Corporation by making illegal entries and digital signature in 'Sanjaya Portal' of the Corporation. The allegation against the petitioner is that the building belonged to the petitioner also got numbered in the same fashion and accordingly, he has committed the above offences.

5. The learned counsel for the petitioner would submit

that the petitioner is innocent. According to him, he did not commit any offence and the Corporation provided the number to his building and the attempt of the Corporation is to find fault with the petitioner and suppress their fault.

6. The learned Public Prosecutor would submit that

the allegations are serious and many buildings under the Kozhikode Municipal Corporation given numbers in the same fashion. Therefore, arrest and custodial

interrogation are necessary, is the submission of the learned Public Prosecutor.

7. On perusal of the report of the Investigating Officer,

the allegation is prima facie made out and the same would require detailed investigation. In so far as numbering of an illegal construction is concerned, that too by misusing the portal of Corporation, the same cannot be viewed lightly. However, effective investigation in this crime is possible by directing the petitioner to subject himself for interrogation, since many buildings so numbered.

8. In the result, this petition stands allowed. The petitioner is enlarged on anticipatory bail on the following conditions:

i. The petitioner shall surrender before the Investigating Officer within ten days from today and on such surrender, the Investigating Officer can question the petitioner. In the event of his arrest, the Investigating Officer shall produce the petitioner before the jurisdictional court on the date of arrest itself. ii. On such production, the jurisdictional court shall release the petitioner on bail, on executing bond for Rs.30,000/- (Rupees thirty thousand only) by himself and by two solvent sureties, each for the like sum to the satisfaction of the jurisdictional court. iii. The petitioner shall co-operate with investigation and shall be made available for interrogation and

for the purpose of investigation, as and when the Investigating Officer directs so. Further, he shall appear before the Investigating Officer on all Wednesdays between 9.00 am to 10.00 am for four weeks from the date of his arrest. iv. The petitioner shall not intimidate the witnesses or interfere with the investigation in any manner.

v. The petitioner shall not commit any offence during currency of this bail and any such involvement is a reason to cancel the bail hereby granted. Sd/- A. BADHARUDEEN JUDGE nkr