

(2011) 07 KL CK 0090
In the High Court Of Kerala
Case No : Bail Application No. 5978 of 2011

Febin	Vs	APPELLANT
State of Kerala		RESPONDENT

Date of Decision : 26-07-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Passports Act, 1967 — Section 12
Penal Code, 1860 (IPC) — Section 465, 468, 471

Citation : (2011) 07 KL CK 0090

Hon'ble Judges : K.T. Sankaran, J

Bench : Single Bench

Advocate : S. Rajeev, for the Appellant; No Appearance, for the Respondent

Final Decision : Allowed

Judgement

K.T. Sankaran, J.—This is an application for bail u/s 439 of the Code of Criminal Procedure. The Petitioner is accused No. 1 in Crime No. 160 of 2008 of Pallickal Police Station, Thiruvananthapuram.

2. The offences alleged against the Petitioner are under Sections 465, 468 and 471 of the Indian Penal Code and Section 12(b) of the Indian Passport Act.

3. The Petitioner was arrested on 18.7.2011 and she was remanded to judicial custody.

4. The crime was registered in 2008. The prosecution case is that the Petitioner submitted an application for changing the name of her spouse in her passport. The application was submitted in 2008. In that application, the petitioner stated that her husband Nazeer was dead. A death certificate of Nazeer was also produced. On verification, it was found that the death certificate was a forged one. Nazeer was alive at the relevant time.

5. The Petitioner submitted that she entrusted one Vishnu Nath to submit the application before the passport office. According to the Petitioner, the forgery was

committed by Vishnu Nath. Vishnu Nath was later found murdered.

6. Taking into account the facts and circumstances of the case, the duration of the judicial custody undergone by the Petitioner, the nature of the offence, the present stage of investigation and the fact that the Petitioner is a woman, I am of the view that bail can be granted to the Petitioner on stringent conditions.

The Petitioner shall be released on bail on her executing bond for Rs. 25,000/- with two solvent sureties for the like amount to the satisfaction of the Judicial Magistrate of the First Class-II, Attingal, subject to the following conditions:

- A) The Petitioner shall report before the investigating officer between 9 A.M. and 11 A.M. on all Mondays, till the final report is filed or until further orders;
- B) The Petitioner shall appear before the investigating officer for interrogation as and when required;
- C) The Petitioner shall not try to influence the prosecution witnesses or tamper with the evidence;
- D) The Petitioner shall not commit any offence or indulge in any prejudicial activity while on bail;
- E) In case of breach of any of the conditions mentioned above, the bail shall be liable to be cancelled.

The Bail Application is allowed as above.