

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Bail Appl..No. 66 of 2015

CRIME NO. 1318/2014 OF VALAPATTANAM POLICE STATION, KANNUR
.....

PETITIONER(S)/1ST AND 2ND ACCUSED:

- 1. K.MUNEER, S/O.MUSTHAFA, AGED 26 YEARS,
KOLLARATHIKKAL HOUSE, CHIRAKKAL POST,
KANNUR DISTRICT, PIN - 670 011.**
- 2. K.K. RAMEES, S/O.RAZAK,
K.K.HOUSE, PRIPPINMOTTA, KAKKAT POST,
KANNUR DISTRICT, PIN - 670 005.**

BY ADV. SRI.P.K.RAVISANKAR

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.N.SURESH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.SUDHEENDRA KUMAR, J.

Bail Application Nos.66 of 2015 C

Dated this the 25th day of June 2015

O R D E R

The petitioners are accused Nos.1 and 2 in Crime No.1318 of 2014 of Valapattanam police station registered under Sections 367, 323, 324 and 506(ii) read with Section 34 I.P.C.

2. The allegation of the prosecution can be briefly stated thus:- On 30.11.2014 at 9 a.m., the first accused kidnapped the *defacto complainant* from his house in a motor cycle to a place nearly 10 Km. away from his

house. Thereafter, the accused persons assaulted him.

3. The petitioners have filed this application praying for the relief under Section 438 Cr.P.C.

4. Heard.

5. The learned Public Prosecutor has no serious objection in allowing the application as regards the 2nd petitioner. However, he opposed the application filed by the first petitioner. The learned Public Prosecutor has submitted that the first petitioner is involved in three more crimes of very serious nature. It appears that the 2nd petitioner was not with the first petitioner at the time when the *defacto complainant* was abducted from his house. The second petitioner is not involved in any other offence. However, the first petitioner is involved in three more cases of serious nature. In the said circumstances, an order under

Section 438 Cr.P.C. in favour of the first petitioner will not be justified in this case. However, considering the facts and circumstances of the case, I am of the view that an order under Section 438 Cr.P.C. in favour of the second petitioner will be justified in this case.

In the result, this application stands dismissed as regards the first petitioner and allowed as regards the 2nd petitioner and the respondent is directed to release the second petitioner on bail in the event of his arrest in connection with Crime No.1318/2014 of Valapattanam police station, on condition of the 2nd petitioner executing a bond for Rs.30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Sub Inspector of Police, Valapattanam Police Station, before whom the 2nd petitioner shall

surrender within ten days and subject to the following further conditions:

(i) The second petitioner shall report before the Investigating Officer on every Saturday between 9 a.m. and 11 a.m. for six months and thereafter, as and when required by the Investigating Officer for interrogation.

(iii) The second petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(iii) The second petitioner shall not get involved in any offence while on bail.

The first petitioner shall be at liberty to surrender before the Sub Inspector of Police within ten days, if so advised. In the event of such surrender by the first

petitioner, the Sub Inspector of Police shall produce the first petitioner before the jurisdictional Magistrate after interrogation. If the first petitioner files any application for bail on his production before the jurisdictional Magistrate, the learned Magistrate shall consider and dispose of the application, in accordance with law, as expeditiously as possible.

sd

**B.SUDHEENDRA KUMAR,
JUDGE**

dl/-

// TRUE COPY //

/PA TO JUDGE /