

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Bail Appl..No. 263 of 2015 ()

CRIME NO. 1022/2014 OF CHAKKARAKKAL POLICE STATION, KANNUR DISTRICT.

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PETITIONER/1ST ACCUSED:

**SAYEED MUHAMMED. P., S/O.MUHAMMED,
AGED 46 YEARS, RESIDING AT AL-NOOR,
KANNUR-1, KANNUR CITY.**

BY ADV. SRI. S. SHAJI.

RESPONDENT/COMPLAINANT AND STATE:

- 1. THE SUB INSPECTOR OF POLICE,
CHAKKARAKKAL POLICE STATION,
CHAKKARAKKAL, KANNUR.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 22-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A. No. 263 of 2015

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Dated this the 22nd day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1022 of 2014 of the Chakkarakkal Police Station, Kannur District, registered for the offences punishable under Sections 143, 147, 341, 323 and 395 read with Section 149 IPC.

3. It is alleged that on 04.12.2014 at 5.00 p.m., three persons came by an Innova car bearing registration No.KL-59-H-1996 and waylaid the auto-rickshaw by which the defacto complainant was travelling. The defacto complainant was asked to go along with them to the place where the petitioner was waiting. As he was not ready to obey it and he proceeded by the auto-rickshaw, again the defacto complainant was chased by the Innova car and waylaid. He

was, beaten up and his mobile phone and an amount of ₹ 1,800/- were snatched away from him.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned counsel for the petitioner has pointed out that the defacto complainant had entered into an agreement for sale of 9 5/8 cents of property of the defacto complainant to the petitioner for a total consideration of ₹75,00,000/- through agreement dated 15.12.2012, out of which, an amount of ₹66,00,000/- was obtained by the defacto complainant by way of part of consideration from the petitioner. Thereafter, even though the petitioner repeatedly demanded the defacto complainant to execute the Sale Deed, he had not cared to execute the Sale Deed. Therefore, the petitioner had filed O.S.No.49 of 2014 against the defacto complainant before the Subordinate Judge's Court, Kannur for the return of the advance amount. An attachment of the property was sought for in the suit and the interim attachment

was allowed by the said court. According to the petitioner, it is, in order to force the petitioner to withdraw from the suit, he is presently implicated in a false case like this.

6. The contents of the CD reveals that even the defacto complainant has no case that the petitioner was present at the spot, where he was waylaid. Apart from his version that he was directed by the persons came by the car, to go along with them for meeting the petitioner, no other evidence is there, to show that the petitioner was instrumental in sending such persons to the defacto complainant. Considering the facts and circumstances of the case, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case, especially when a civil suit is pending between the parties. This is a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge

the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Thursdays and Mondays commencing from 29.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/22/1/15

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P.A. To Judge