

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Bail Appl..No. 280 of 2015 (D)

AGAINST THE ORDER IN CRMC 1559/2014 of SESSIONS COURT, THALASSERY
DATED 20-12-2014
CRIME NO. 990/2014 OF EDAKKAD POLICE STATION , KANNUR

PETITIONER/ACCUSED NO.8:

T.IRSHAD, AGED 19 YEARS
S/O.HAMSA, MARVA, KULAM BAZAR
MUZHAPPILANGAD, KANNUR.

BY ADV. SRI.P.M.HABEEB

RESPONDENT:

STATE OF KERALA,
REP. BY STATION HOUSE OFFICER
EDAKKAD POLICE STATION, THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.M.MADHUBEN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

B. A. No.280 of 2015

Dated this the 22nd day of June, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent. C.D. produced.

3. The petitioner is the second accused in Crime No.990 of 2014 of Edakkad Police Station. The offences alleged are under Sections 143, 147, 148, 341, 323, 324 and 326 read with Section 149 of IPC. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. He was aged only 19 at the time of the alleged occurrence. He has no criminal antecedents. But, after the alleged occurrence in this case, the police has registered another case, Crime No.996 of 2014 of Edakkad Police Station, against 30 persons including the petitioner

without any basis. The investigation of the case is almost over. The custodial interrogation of the petitioner is not required in this case. He further submits that the petitioner apprehends arrest by the police at any time.

4. The Case Diary shows that the investigation of the case has progressed much. Learned Public Prosecutor has not disputed the submission of the learned counsel for the petitioner that the petitioner has no criminal antecedents. But, she submitted that another case, Crime No.996 of 2014 of Edakkad Police Station, has been registered against 30 persons including the petitioner alleging various offences including the offence under Section 308 of IPC. On considering the facts and circumstances, stage of the investigation and the age of the petitioner, this Court is of the view that the petitioner can be granted anticipatory bail imposing appropriate conditions.

5. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:-

1)The petitioner shall surrender before the

Investigating Officer on or before 29-06-2015. In the event of his arrest, he shall be released on bail on his executing a bond for ₹ 25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

- 2)The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.
- 3)The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.
- 4)The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.
- 5)The petitioner shall not commit any similar offence while on bail.

6)The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This petition is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE