

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

Bail Appl..No. 430 of 2015 ()

CRIME NO. 2465/2014 OF ADOOR POLICE STATION, PATHANAMTITTA DISTRICT

PETITIONER(S)/ACCUSED A2 & 3:

- 1. SHERIF, AGED 48 YEARS,S/O.MUHAMMEDU,
THAIPPARAMBIL HOUSE, KANJIRAMCHIRA MURI,
THEKKEN ARYADU VILLAGE, KOTTAYAM DISTRICT.**
- 2. SAJEER, AGED 39 YEARS,S/O.SAINUDEEN,
PANAYIL PUTHEN VEEDU, KUMMIL MURI,
KUMMIL VILLAGE, KADACKAL, KOLLAM DISTRICT.**

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENT/COMPLAINANT/STATE :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B. KEMAL PASHA, J.

.....
B.A. No.430 of 2015
.....

Dated this the 27th day of January, 2015

ORDER

~~~~~

Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.2 and 3 in Crime No.2465/2014 of Adoor Police Station registered for the offence punishable under Section 401 IPC.

3. The allegation against the petitioners and other accused is that they were found standing gathered in suspicious circumstances at 2.45 a.m. on 23.12.2014 near the waiting shed at Pazhakulam junction. It is alleged that A1 is a habitual offender, who was involved in a series of serious criminal offences including theft, house breaking, etc. The petitioners have been in custody for the period from 23.12.2014 onwards.

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

5. It seems that the investigation as far as the present petitioners is concerned is practically over. No criminal antecedents have been reported against the petitioners. The only allegation is that they were found along with A1, who is a habitual offender. On going through the contents of the CD and the present stage of investigation, I do not think that the continued detention of the petitioners is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on each of them 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 concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

*(i) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 03.02.2015 for a period of six months.*

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

*(iii) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.*

*(iv) The petitioners 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)**

aks/27/01

*// True Copy //*

*PA to Judge*