

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936`

Bail Appl..No. 521 of 2015

CRIME NO. 18/2015 OF VAZHAKKAD POLICE STATION, MALAPPURAM DISTRICT.
.....

PETITIONERS/ACCUSED:

- 1. ABDULLA, S/O.MOIDEEN, AGED 57 YEARS,
KUNNATH THEKKEKANDI HOUSE, VAVOOR,
CHEEKKODE, MALAPPURAM DISTRICT.**
- 2. MUHAMMED, AGED 56 YEARS,
KUNNATH THEKKEKANDI HOUSE, VAVOOR,
CHEEKKODE, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
VAZHAKKAD POLICE STATION,
MALAPPURAM DISTRICT, PIN - 673 640.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

=====

B.A. No. 521 of 2015

=====

Dated this the 3rd day of February, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.18/2015 of the Vazhakkad Police Station, Malappuram District, registered for the offences punishable under Section 332 read with Section 34 Indian Penal Code and Section 3(1) of the Prevention of Destruction of Public Properties Act.

3. The allegation against the petitioners is that on 05.01.2015 at 8.10 a.m., they attacked the de facto complainant who was working as the watcher at the Vavoor sand kadavu and tore away the ledger and sand passes kept by the de facto complainant. The crime has been registered on the basis of the written complaint issued by the President of the Grama Panchayath.

4. Heard the learned counsel for the petitioners and the

learned Public Prosecutor.

5. The Investigating Officer has reported that the first petitioner is involved in Crime No.112/2014 of the said Police Station for the offences punishable under Sections 341, 323 and 353 read with Section 34 Indian Penal Code and Section 3(1) of the P.D.P.P Act and that he is on bail on conditions in that case. It is also alleged that he has violated the bail conditions in the said case by involving in the present case. Considering the seriousness of the allegations against the first petitioner and the criminal antecedent, I am of the view that he is not entitled to the discretionary relief of anticipatory bail.

6. At the same time, no criminal antecedents have been reported against the second petitioner, who is the second accused. It seems that his custodial interrogation is not required for the continued investigation of this case. When no criminal antecedents are there on his part, this is a fit case wherein anticipatory bail can

be granted to the second petitioner.

7. In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the second petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The second petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays, commencing from 10.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

investigating officer.

(iv) The second 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.

This Bail Application, as far as the first petitioner is concerned, is dismissed.

Sd/-
B.KEMAL PASHA, JUDGE

stu

//True copy//

P.A to Judge