

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Bail Appl..No. 821 of 2015 ()

CRIME NO. 1540/2014 OF KOLLENGODE POLICE STATION, PALAKKAD DISTRICT

APPLICANT/ACCUSED NO. 1:

**ABU @ ABU THAHIR, AGED 30 YEARS,
S/O.SULAIMAN,KARIPLI POST, PATTANCHERRY,
CHITTUR, PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B. KEMAL PASHA, J.

.....
B.A. No.821 2015
.....

Dated this the 20th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1540/2014 of Kollengode Police Station registered for the offences punishable under Section 279 read with Section 34 IPC and Section 3(1) of the PDPP Act, 1984.

3. The allegation against the petitioner is that on 20.12.2014 at 7 p.m. when the *defacto complainant* Sales Tax Officer and party had attempted to stop a tempo van bearing registration No.KL-9T-6702 carrying poultry, the vehicle was not stopped by the petitioner and he drove away. When the officers chased and overtook the vehicle

with the department vehicle of the Commercial Taxes Department, the tempo van hit on the department vehicle, thereby resulting in a wrongful loss of ₹1,900/-.

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

5. The only non bailable offence is one under Section 3(1) of the PDPP Act in this case. There is no allegation that the petitioner had deterred the officers from the discharge of their official duties. No criminal antecedents have been reported against the petitioner. The investigation of this case is practically over. On going through the contents of the CD and the present stage of investigation, I do not think that the custodial interrogation of the petitioner 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 petitioner by making a provision for compensating the loss sustained to the *defacto complainant*.

6. 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 each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall deposit ₹1,900/- before the court below within one week from today.

(ii) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 27.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

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

BA.821/2015

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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/20/02

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PA to Judge