

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

Bail Appl..No.1282 of 2015

CRIME NO.109/2015 OF VARKALA POLICE STATION,THIRUVANANDAPURAM.

...

PETITIONER/ACCUSED NO.5:

**ABDUL SAMAD @ MANU,S/O.NAZAR,
AGED 29 YEARS,LATHAMMA VILASAM,VETTOOR,
VARKALA,THIRUVANANTHAPURAM DISTRICT.**

BY ADV.SRI.LATHEESH SEBASTIAN

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE,
VARKALA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT-695041.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B. KEMAL PASHA, J.

.....
B.A. No.1282 of 2015
.....

Dated this the 9th day of April, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 5th accused in Crime No.109/2015 of Varkala Police Station registered for the offences punishable under Sections 143, 147, 148, 294(b), 341, 323, 324, 427 and 308 read with Section 149 IPC.

3. The allegation against the petitioner and other accused is that on 13.01.2015 at 9.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like beer bottles and wrongfully restrained and attacked the de facto complainant and the persons, who were travelling along with him by a car.

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

5. The contents of the CD reveal that the

investigation is practically over. The allegation against the petitioner is that he has wrongfully restrained the de facto complainant. It seems that anticipatory bail has been granted to the 3rd accused. There is no allegation that the petitioner has made use of any weapon. The only allegation is that he has wrongfully restrained the de facto complainant. Considering the facts and circumstances of the case and the present stage of the investigation and in the absence of criminal antecedents on the part of the petitioner, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

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 report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 16.04.2015 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)

aks/09/04

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PA to Judge