

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Bail Appl..No.1334 of 2015

CRIME NO.127/2015 OF BEKAL POLICE STATION,KASARGOD.

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APPLICANT/ACCUSED NO.4:

**AKEEB,AGED 19 YEARS,S/O.MOITHU,KOCHI BAZAAR,
BILAL NAGAR,PALLIKKARA,KASARAGOD.**

**BY ADVS.SRI.PRASUN.S
SRI.PAUL MATHEW (PERUMPILLIL)
SRI.P.V.SREENIJIN
SMT.K.B.SONY**

RESPONDENT/COMPLAINANT-STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,PIN-682031,
REPRESENTING THE S.I. OF POLICE,
BAKEL POLICE STATION.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

K. ABRAHAM MATHEW, J.

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B.A.No. 1334 of 2015

Dated this the 13th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 4th accused in Crime No. 127 of 2015 of the Bakel Police Station. He along with the co-accused is alleged to have committed the offences under Sections 143, 147, 148, 323, 342, 324, 364(A) read with Section 149 IPC. The prosecution case is that they abducted the victim, wrongfully confined and assaulted him with iron rods and sticks.

3. Heard.

4. The prosecution has no case that the petitioner was armed or he used any weapon. Learned counsel submits that the victim was engaged in unauthorizedly removing sand from the properties of the locality, which was objected to by the petitioner and others and this led to the registration of this false case. Since there is no allegation that the petitioner was armed or he used any weapon. I am inclined to grant his prayer.

In the result, this application is allowed.

1)The petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only)with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

- 2) *The petitioner shall surrender his passport before the lower court concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.*
- 3) *He shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 4) *He shall appear before the Investigating Officer between 10 a.m and 11 a.m. every alternate Wednesday for five months, or till the final report is filed, whichever is earlier.*
- 5) *He shall not destroy or tamper with evidence.*
- 6) *He shall not get himself involved in any other criminal case while he is on bail.*

If the petitioner surrenders before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge