

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P. JOSEPH

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Bail Appl..No. 1523 of 2015 ()

**CRIME NO. 218/2015 OF PERINTHALMANNA POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER/1ST ACCUSED :

**MUHAMMED SHIFAR K., AGED 23 YEARS
S/O.YUSUF, KOLAMBIL HOUSE, PATTIKKAD P.O.,
KIZHATTUR, MALAPPURAM DT.**

**BY ADVS.SRI.SURAJ S.
SRI.L.RAM MOHAN**

RESPONDENTS/COMPLAINANT :

- 1. STATE,
REPRESENTED BY PUBLIC PROSECUTOR ,
HIGH COURT OF KERALA
ERNAKULAM-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
PERINTHALMANNA POLICE STATION
(CRIME NO.218 OF 2015), PERINTHALMANNA
MALAPPURAM DISTRICT.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LISHA M.G.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

BABU MATHEW P. JOSEPH, J

B.A No.1523 of 2015

Dated this the 25th day of June, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondents. C.D. produced.

3. The petitioner is the first accused in Crime No.218 of 2015 of Perinthalmanna Police Station. The offences alleged are under Sections 143, 147, 148, 341, 323 and 326 read with Section 149 of IPC. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. He has no criminal antecedents. The investigation of the case is almost over. All other accused in this case were already granted anticipatory bail by the Sessions Court, Manjeri. The petitioner is undergoing a course of study at

Bangalore. The custodial interrogation of the petitioner is not required in this case. He further submits that the petitioner apprehends arrest by the police at any time.

4. Learned Public Prosecutor has opposed this petition. She admits, on instructions, the fact that the investigation of the case is almost over. She further submits that no criminal antecedents have been reported against the petitioner. On considering the facts and circumstances, stage of the investigation and the facts that other accused in the case were already granted anticipatory bail and no criminal antecedents have been reported against the petitioner, this Court is of the view that the petitioner can be granted anticipatory bail imposing appropriate conditions.

5. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

1. The petitioner shall surrender before the Investigating Officer on or before 02-07-2015. In the event of his arrest, he shall be released on bail on his executing a bond for ₹ 25,000/- (Rupees twentyfive

thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

2. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

3. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

4. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

5. The petitioner shall not commit any similar offence while on bail.

6. The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This petition is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

AD