

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Bail Appl..No. 1554 of 2015 ()

CRIME NO. 132/2015 OF PANANGAD POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED NO.3 :

**SHYAMKUMAR A.S., AGED 35 YEARS,
S/O.LATE SASI, CHAVURUTHI HOUSE, NETTOOR P.O.,
ERNAKULAM DISTRICT, PIN-682304.**

**BY ADVS.SRI.SALIM V.S.
SRI.H.NUJUMUDEEN
SRI.SHANAVAS.S
SRI.P.V.JEEVESH**

RESPONDENTS/COMPLAINANTS :

**STATE OF KERALA,
THROUGH SUB INSPECTOR OF POLICE,
PANANGADU POLICE STATION, ERNAKULAM DISTRICT
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN-682031.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

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B.A.No.1554 of 2015

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Dated this the 1st day of April, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the 3rd accused in Crime No.132 of 2015 of the Panangadu Police Station, registered for the offences punishable under Sections 146, 147, 148, 109 and 506(i) read with Section 149 of the Indian Penal Code and Section 27 (2) of the Arms Act.

3. The allegation against the petitioner and the other accused is that on 17.02.2015 at 10 p.m., while the defacto complainant was going home after closing his shop, he was obstructed on the road by the petitioner and the other accused. He was threatened and intimidated and he was ordered to withdraw the complaint preferred by the defacto complainant against the 7th accused, who is an ill-famed hardened criminal. It is alleged that A1 threatened the defacto complainant by exhibiting a sword and the other

accused threatened him by exhibiting iron rods.

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

5. The learned counsel for the petitioner has pointed out that the petitioner is not a gangster and he does not belong to the gang of the 7th accused; whereas, he happened to be with his friends, who are the other accused in a drunken mood on the road. According to the learned counsel for the petitioner, the petitioner has undergone bypass surgery and thereafter he has been taking rest. Considering the fact that no criminal antecedents have been reported against the petitioner, I am of the view that anticipatory bail can be granted to the petitioner.

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 for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following

terms and conditions:-

(i) Petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Wednesdays and Saturdays commencing from 08.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioner shall not tamper with the evidence or influence witnesses.

(iii) Petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) 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

DSV/1/4/15

// True copy//

PA to Judge

