IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 21ST DAY OF APRIL 2015/1ST VAISAKHA, 1937

Bail Appl..No. 2076 of 2015

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CRIME NO. 314/2015 OF CHAVAKKAD POLICE STATION, TRISSUR

PETITIONER/5TH ACCUSED:

KABEER, S/O. NALAKATH MOITHUNNY, AGED 52 YEARS
RESIDING AT KARYATT HOUSE
MANATHALA, CHAVAKKAD TALUK, THRISSUR DISTRICT

BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU

RESPONDENTS/NOT PARTY/RESPONDENT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031

2. THE SUB INSPECTOR OF POLICE,
CHAVAKKAD POLICE STATION, CHAVAKKAD, THRISSUR-680 506

R BY PUBLIC PROSECUTOR SRI. N. SURESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**BABU MATHEW P. JOSEPH, J.**

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B.A. No. 2076 of 2015

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Dated this the 21st day of April, 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.

3. The petitioner is the 5th accused in Crime No. 314 of 2015 of Chavakkad Police Station. The offences alleged are under Sections 143, 147, 452, 341, 323 and 354 read with Section 149 of I.P.C. 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 has progressed much. There are

five accused in this case. All other accused were arrested and, subsequently, they were released on regular bail. He further submits that the petitioner apprehends arrest by the police at any time.

4. Learned Pubic Prosecutor, on instructions, submits that the investigation of the case has progressed much. No criminal antecedents, except the complaint made in Crime No. 315 of 2015 of Chavakkad Police Station, have been reported against the petitioner.

5. On considering the facts and circumstances of the case, stage of the investigation and the fact that all other accused were released on regular bail, this Court is satisfied that the petitioner can be granted anticipatory bail imposing appropriate conditions. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

> 1) The petitioner shall surrender before the Investigating Officer on or before 28-4-2015. In the event of his arrest, he shall be released on bail on his executing a bond for Rs. 25,000/- (Rupees twenty five thousand) 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 application is allowed as above.

Sd/-
**BABU MATHEW P. JOSEPH**
**JUDGE**

ks.

True copy

P.S. (Hr.Gr.)To Judge