

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

Bail Appl..No. 2099 of 2015

**CRIME NO.709 OF 2014 OF VIDURA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER(S)/2ND ACCUSED :

**MUHAMMED SHAFI, AGED 28 YEARS,
S/O.SHAHUL HAMEED, VAYALARIKATHU VEEDU, PULIMOODU,
KANAMKARA, THOLICODE P.O, NEDUMANGAD,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/STATE/ COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. CIRCLE INSPECTOR POLICE, VIDURA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.- 695 004.**

BY PUBLIC PROSECUTOR SMT.BINDU GOPINATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. RAMAKRISHNAN, J.

B.A. No. 2099 of 2015

Dated this the 28th day of April, 2015.

ORDER

This is an application for regular bail filed by the second accused in Crime No.709 of 2014 of Vidura Police Station, Thiruvananthapuram District under Section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 14.7.2014 at about 3.30 p.m., he along with other accused persons obstructed the de facto complainant and his friends in the 2nd hairpin curve and wrongfully confined in an Indica Car No.T.N-74-F 7792 and committed robbery of 2 gold chains, 4 bangles and 4 rings worth Rs.4,07,000/- from the de facto complainant and thereby they have committed the offences punishable under Sections 365, 395 and 506(ii) of the Indian Penal Code and Section 27 of the Arms Act.

3. Heard the counsel for the petitioner and the Public Prosecutor and perused the report of the investigating officer.

4. The counsel for the petitioner submitted that the petitioner has not committed any offence and he is innocent of the same and he has been falsely implicated in this case and another case and he was granted bail in the other case. In this case also, the final report has been filed and custody of the petitioner is not required. He is in jail from 5.1.2015 onwards.

5. The application was opposed by the Public Prosecutor on the ground that the final report has already been filed and if he is released on bail, he is likely to abscond and he is accused in other cases also.

6. It is seen from the report of the investigating officer that the above crime was registered against five persons on the basis of the statement given by the de facto complainant alleging commission of the aforementioned offences. It is also seen from the report of the Investigating Officer that he is accused in Crime No.661/2014 of Vithura Police Station as well. It is seen from the records that other accused persons have already been granted bail and final report has already been filed and the case is now pending before the Judicial First

Class Magistrate Court (Forest Offences), Nedumangad as C.P. 1/2015. The counsel for the petitioner produced the certified copy of the order in Bail Application 2103 of 2015 in which he was granted bail by this Court in Crime No.661 of 2014 of Vithura Police Station pending as C.C. No.77 of 2015 before the Judicial First Class Magistrate (Forest Offences), Nedumangad. Since the final report has already been filed, the custody of the petitioner is not required in any more in connection with the investigation. Considering the fact that other accused persons had already been granted bail and he was granted bail in the other crime in which he was charge sheeted also, this Court feels that bail can be granted to the petitioner with some stringent conditions. So, the application is allowed with the following conditions:

i. The petitioner shall be released on bail on executing a bond for Rs.50,000/- with two solvent sureties for the like sum to the satisfaction of the Judicial First Class Magistrate Court (Forest Offences), Nedumangad.

ii. The petitioners shall not intimidate or influence the witnesses.

iii. The petitioner shall surrender his passport, if any, before the Judicial First Class Magistrate Court (Forest Offences), Nedumangad within one week from the date of his release and if he is not having any passport, file an affidavit to that effect before that court within that time.

iv. The petitioner shall not leave Thiruvananthapuram District without getting prior permission either from the Judicial First Class Magistrate Court (Forest Offences), Nedumangad or from the court to which the case will be committed for trial till the disposal of the case.

With the above conditions, this application is allowed.

Sd/-
K. RAMAKRISHNAN
JUDGE

Scl.