

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. 2151 of 2015

CRIME NO. 223/2015 OF MANJERI POLICE STATION, MALAPPURAM DISTRICT.

PETITIONER/ACCUSED:

**MUHAMMED MANGALASSERY,
S/O.MAMATHEESA, AGED 48 YEARS,
KARULAYI P.O., NILAMBUR TALUK,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.R.RANJITH (K/489/2011)**

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-682031.**
- 2. THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION,
MALAPPURAM DISTRICT, PIN - 676121.**

BY PUBLIC PROSECUTOR SMT.SHEEBA.M.T.

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

mbr/

BABU MATHEW P. JOSEPH, J.

B.A.No. 2151 of 2015

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. C.D. produced.

3. The petitioner is the accused in crime No.223 of 2015 of Manjeri Police Station. The offences alleged are under Sections 354 and 506(1) of the Indian Penal Code. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. The wife of the petitioner is the sister of the defacto complainant's husband. There is a dispute between the

sister and the brother in respect of their family properties. That, in fact, prompted the defacto complainant to raise such a false allegation against the petitioner. The investigation of the case has progressed much. The petitioner has no criminal antecedents. He further submits that the petitioner apprehends arrest by the Police at any time.

4. The Case Diary shows that the investigation of the case has progressed much. On considering the facts and circumstances, stage of the investigation, the relationship between the petitioner and the defacto complainant and the fact that no criminal antecedents have been reported against the petitioner, 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 27.4.2015.

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 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 application is allowed as above.

BABU MATHEW P. JOSEPH, JUDGE.

DG