

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

Bail Appl..No. 2764 of 2015

CRIME NO. 102/2015 OF VIDYANAGAR POLICE STATION, KASARGOD DISTRICT.
.....

PETITIONER-ACCUSED NO.1:

**MUHAMED RASHEED, AGED 28 YEARS,
S/O.ABDULLA.E.VOLGA, ELINJA HOUSE,
CHEROOR, VIDYANAGAR, KASARAGOD.**

BY ADV. SRI.ANIL K.MOHAMMED

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
SESSIONS COURT, KASARAGODE - 670 101.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.2764 of 2015

Dated this the 31st day of July 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.102 of 2015 of Vidyanagar Police station registered for the offence under Sec.436 of the Indian Penal Code. The prosecution case is that the petitioner along with the co-accused set fire to a building belonging to the Kerala Dinesh Beedi causing the company a loss of Rs.1 lakh.

2. Heard both sides.

3. According to the prosecution, it was accused nos.2 and 3 who actually set fire to the building. The allegation against the petitioner who is the 1st accused is that it was at his instigation the offence was made out.

4. The police have recorded the confession statements of the co-accused, in which they have specifically stated that it was at the instance of the petitioner, the offence was committed. The phone call records collected by the investigating officer also prove

the presence of the petitioner at the place of occurrence. The time of occurrence is 2.30 a.m. It appears that the prosecution allegation against the petitioner is probable. The petitioner is not entitled to anticipatory bail.

In the result, the bail application is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge