

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

Bail Appl..No. 3218 of 2015 (B)

CRIME NO. 230/2015 OF VELLAMUNDA POLICE STATION , WAYANAD

PETITIONER/ACCUSED:

ABDUL NAZAR, AGED 47,
S/O.ALI, PANNIYODAN CHERIA HOUSE, KUNJOM.P.O.,
THONDARNADU VILLAGE, WAYANAD DISTRICT.

BY ADVS. SRI.P.A.MARTIN ROY
SRI.SOORAJ T.ELENJICKAL

RESPONDENTS/COMPLAINTS:

1. SUB INSPECTOR OF POLICE,
VELLAMUNDA POLICE STATION, WAYANAD DISTRICT-678001.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682037

BY PUBLIC PROSECUTOR SRI.C.RASHEED

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
24-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

B. A. No.3218 of 2015

Dated this the 24th day of June, 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.230 of 2015 of Vellamunda Police Station. The offences alleged are under Section 66E of the Information Technology Act and under Section 376(1) of the Indian Penal Code. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. The present complaint has been raised by the de facto complainant against the petitioner only for the reason that there are disputes pending between them for quite some time. The de facto complainant, as a revenge, wanted him to be falsely

implicated in a heinous crime. Therefore, the learned counsel prays for granting him anticipatory bail.

4. Learned Public Prosecutor has seriously opposed this petition. He submits that the offences alleged are grave in nature. The investigation is only progressing. If the petitioner is granted anticipatory bail, it will affect the due course of the investigation. There is every chance of him influencing the witnesses and tampering with the evidence. The petitioner has criminal antecedents. The proceedings under Section 107 of Cr.P.C have already been initiated against the petitioner. Therefore, he prays for dismissing this petition.

5. The offences alleged are grave in nature. The investigation is only progressing. The apprehension of the learned Public Prosecutor that the due course of investigation may be affected and the evidence may be tampered with if the petitioner is granted anticipatory bail cannot be brushed aside. In view of the submissions made by the learned Public Prosecutor and the gravity of the

offences alleged against the petitioner, this Court is of the considered view that the petitioner cannot be granted anticipatory bail. This is not a case fit for granting anticipatory bail. Therefore, this petition is dismissed.

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**

kns/-

//TRUE COPY//

P.A. TO JUDGE