

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Bail Appl..No. 3235 of 2015

CRIME NO. 815/2014 OF TOWN NORTH POLICE STATION , PALAKKAD

PETITIONERS/ACCUSED NO.2:

**SHAFEEQ, AGED 28 YEARS,
S/O KAJA HUSSAIN, K.S.MANZIL, NARIKUTHY,
PALAKKAD TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.REMA. R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

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B.A.No.3235 of 2015

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Dated this the 11th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under sections 406 and 420 IPC. The prosecution case is that he along with the co-accused hired the car of the first informant for two days but, failed to return it.

3. Heard.

4. Learned counsel submits that on the alleged date of occurrence, the petitioner was abroad and the case is false. On the other hand, learned Public Prosecutor would argue that the confession statement of the co-accused reveals the involvement of the petitioner. I have perused the confession statement. The story put forward by the first informant and the one narrated by the co-accused are entirely different. The prosecution has not been able to explain these contradictory versions. The incident happened in February, 2013. The police was informed only in June, 2014. Having regards to all these facts, I am inclined to grant the prayer of the petitioner.

In the result, this application is allowed.

- 1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.
- 2) He shall appear before the Investigating Officer between 10 a.m. to 11a.m. on every Monday for three months or till the final report is filed whichever is earlier.
- 3) He shall not destroy or tamper with evidence.
- 4) He shall not get himself involved in any other criminal case while he is on bail.
- 5) He shall not intimidate or attempt to influence the witnesses.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

DST

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P.A. To Judge