

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.3240 of 2015 (D)

AGAINST THE ORDER IN CRL.MC 843/2015 of SESSIONS COURT,MANJERI
DATED 28/05/15

CRIME NO. 763/2015 OF MANJERI POLICE STATION , MALAPPURAM

PETITIONER/ACCUSED:

MOHAMMED IRSHAD, AGED 40 YEARS
S/O.SAIDALAVI, NALUKANDI HOUSE, THRIKKALANGODE PO
MANJERI DISTRICT

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANT & STATE:

1. SUB INSPECTOR OF POLICE
MANJERI POLICE STATION

2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, COCHIN 682031

BY PUBLIC PROSECUTOR SMT.MADHU BEN

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.3240 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. Also heard the learned counsel appearing for the de facto complainant. C.D. produced.

3. The petitioner is the accused in Crime No.763 of 2015 of Manjeri Police Station. The offences alleged are under Sections 341, 324 and 326 of IPC. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. He has no criminal antecedents. The investigation of the case is almost over. The recovery of the reaper allegedly used has already been effected. The custodial interrogation of the petitioner is not

required in this case. He further submits that the petitioner apprehends arrest by the police at any time.

4. Learned Public Prosecutor and the learned counsel appearing for the de facto complainant opposed this petition. Learned Public Prosecutor submits that no criminal antecedents have been reported against the petitioner. She further submits that the reaper used by the petitioner for effecting the injury has already been recovered. The Case Diary shows that the investigation of the case is almost over. On considering the facts and circumstances, stage of the investigation 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.

5. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

1)The petitioner shall surrender before the

Investigating Officer on or before 01-07-2015. In the event of his arrest, he shall be released on bail on his executing a bond for ₹ 25,000/- (Rupees twentyfive 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 petition is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE