

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

Bail Appl.No. 3801 of 2015

CRIME NO. 477/2015 OF S.BATTERY POLICE STATION, WAYANAD
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PETITIONER(S)/2ND ACCUSED:

**SALAM D., AGED 40 YEARS,
PADINHARAYIL HOUSE, CHALIYAM P.O., PIN : 673 301,
KADALUNDI, KOZHIKODE.**

BY ADV. SRI.S.SHAJI

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. THE SUB INSPECTOR OF POLICE,
SULTHAN BATTERY POLICE STATION, SULTHAN BATTERY,
WAYANAD DISTRICT.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
08-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

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B.A.No. 3801 of 2015

Dated this the 8th day of July, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sections 384, 451 and 506(1) read with Section 34 IPC. The first informant's husband is the owner of the restaurant by name "Agraharam". Some people attacked the restaurant which forced the owner to close it down. It is said that there was a dispute between the owner of the restaurant and its lessee. According to the prosecution, the petitioner along with the co-accused trespassed into the house of the first informant and threatened the owner of the restaurant into signing certain blank papers. They also threatened that they would falsely implicate him in a criminal case under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Heard.

4. The nature of the allegations indicate that custodial interrogation of the petitioner is not necessary. Even without their detention, effective investigation can be conducted. So, I am

inclined to grant the petitioner's prayer.

In the result, this application is allowed.

- 1)The petitioner 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 if he is arrested by the Police in connection with this case.*
- 2)The petitioner shall surrender his passport before the lower court concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.*
- 3)He shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 4)He shall appear before the Investigating Officer between 10 a.m. and 11 a.m. on every second and third Saturdays for three months or till the final report is filed, whichever is earlier.*
- 5)He shall not intimidate or attempt to influence the witnesses.*
- 6)He shall not destroy or tamper with evidence.*
- 7)He shall not get himself involved in any other criminal case while he is on bail.*

If the petitioner surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

In case of violation of any of the above conditions, the

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learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge