

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

**MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937**

**Bail Appl..No. 4031 of 2015 ()**

**CRIME NO. 127/2015 OF BEKAL POLICE STATION, KASARAGOD DISTRICT.**

**.....**

**PETITIONER/ACCUSED NO.2:**

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**MUHAMMED HANEEFA @ CHIMMINI HANEEFA,  
AGED 34 YEARS, S/O.MOIDU, K.M. HOUSE,  
TRIKKANNAD, PALLIKKARA VILLAGE.**

**BY ADVS.SRI.S.RAJEEV,  
SRI.K.K.DHEERENDRAKRISHNAN,  
SRI.V.VINAY.**

**RESPONDENT/STATE:**

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**STATE OF KERALA,  
REP. BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031,  
(CRIME NO.127/2015 OF BEKAL POLICE STATION,  
KASARAGOD DISTRICT).**

**BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**rs.**

**K. ABRAHAM MATHEW, J.**

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**B.A.No. 4031 of 2015**

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Dated this the 13<sup>th</sup> day of July, 2015

**O R D E R**

Petition filed under Section 439 Cr.P.C.

2. Petitioner along with the co-accused is alleged to have committed the offences under Sections 143, 147, 148, 323, 342, 324, 364A, 109 read with Section 149 IPC. The prosecution case is that they wrongfully confined the victim and assaulted him with iron rods, after he was abducted.

3. Heard.

4. Learned counsel submits that the victim was engaged in unauthorizedly removing sand from the properties of the locality, which was objected to by the petitioner and others and this led to the registration of this false case. Petitioner has been in custody since 03.07.2015. It appears that detention of the petitioner is not necessary for completion of the investigation.

In the result, this application is allowed.

*1)The petitioner will 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 to the satisfaction of the learned Magistrate concerned.*

- 2)The petitioner shall appear before the Investigating Officer between 10 a.m and 11 a.m. every alternate Wednesday for five months, or till the final report is filed, whichever is earlier.*
- 3)He 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.*
- 4)He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.*
- 5)He shall not intimidate or attempt to influence the witnesses, nor shall he get himself involved in any other criminal case.*

If the petitioner violates any of the above conditions, the court of enquiry/trial is empowered to cancel the bail in accordance with the law.

Sd/-  
**K. ABRAHAM MATHEW,**  
**JUDGE**

DST

//True copy//

P.A. To Judge