

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

Bail Appl..No. 4102 of 2015 ()

CRIME NO. 376/2014 OF VYTHIRI POLICE STATION , WAYANAD DISTRICT

PETITIONER/7TH ACCUSED:

**MUBASHIR MUBARACK.K.P., AGED 23 YEARS,
S/O. BASHEER, PAINATH HOUSE, ACHOORAN,
MELMURI, SETTUKUNNU, VYTHIRI,
WAYANAD DISTRICT.**

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

RESPONDENT(S)/COMPLAINANT & STATE :

- 1. THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH OFFICE, MUNDERI,
WAYANAD DISTRICT, PIN-673 121**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI- 682 031**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K. ABRAHAM MATHEW, J.

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B.A.No. 4102 of 2015

Dated this the 17th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 7th accused in Crime No. 376 of 2014 of Vythiri Police Station, registered for the offences under Sections 143, 147, 148, 341, 323, 324, 458, 306 read with Section 149 of the Indian Penal Code, 1860. The prosecution case is that he along with the co-accused assaulted the deceased, manhandled him and abetted him to commit suicide.

3. Heard.

4. It is doubtful whether the evidence available with the Investigating Officer is sufficient to attract Section 306 IPC. For this reason alone, I am inclined to grant his prayer for anticipatory bail.

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 for interrogation if he is so required by him in writing.*
- 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 surrenders 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 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