

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

Bail Appl..No. 4492 of 2015

CRIME NO. 906/2015 OF KONDOTTY POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED:

1. ABDU RAHIMAN, AGED 42 YEARS,
S/O.MANGATTUCHALIL MOHAMMED HAJI, MAYAKKARA,
OLAVATTOOR AMSOM DESOM, POST OLAVATTOOR,
MALAPPURAM DISTRICT.
2. ABDUL NAZAR, AGED 38 YEARS,
S/O.MANGATTUCHALIL MOHAMMED HAJI, MAYAKKARA,
OLAVATTOOR AMSOM DESOM, POST OLAVATTOOR,
MALAPPURAM DISTRICT.
3. HYDRU HAJI, AGED 48 YEARS,
S/O.MANGATTUCHALIL MOHAMMED HAJI, MAYAKKARA,
OLAVATTOOR AMSOM DESOM, POST OLAVATTOOR,
MALAPPURAM DISTRICT.
4. HYDRU, AGED 55 YEARS,
S/O.MANGATTUCHALIL MOHAMMED HAJI, MAYAKKARA,
OLAVATTOOR AMSOM DESOM, POST OLAVATTOOR,
MALAPPURAM DISTRICT.

**BY ADVS.SRI.C.M.MOHAMMED IQUABAL
SMT ANJALI G.KRISHNAN**

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K. ABRAHAM MATHEW, J.

B.A. No.4492 of 2015

Dated this the 6th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.906 of 2015 of Kondotty Police Station, Malappuram District. They are alleged to have committed the offences under Sections 143, 147, 148, 506(ii), 324 308 read with Section 149 of the Indian Penal Code.

3. The allegation is that they committed theft of the barbed wire belonging to the first informant and valued at Rs.50,000/- (Rupees Fifty thousand only)

4. Heard.

5. There was a civil suit between the petitioners and the first informant which ended in favour of the latter. The learned counsel submits that the petitioners have filed an application under Section 47 CPC complaining of excess delivery. There is a prima facie against the petitioners. But having regard to the fact that there was a civil dispute between the parties I am inclined to grant the prayer of

the petitioners subject to certain conditions.

In the result, this application is allowed.

1. The petitioners shall be released on bail after interrogation on their executing a bond for Rs.50,000/- (Rupees Fifty thousand only) each with two solvent sureties each for the like sum if they are arrested by the police in connection with this case.

2. Petitioners 1, 2 and 4 shall appear before the investigating officer between 10 a.m to 11 a.m every alternate Wednesday for three months or till the final report is filed whichever is earlier.

3. The petitioners shall not get themselves involved in any other criminal case while they are on bail.

4. They shall not intimidate or attempt to influence the witnesses.

5. They shall not destroy or tamper with evidence.

6. They shall surrender their passports before the lower court concerned of if they do not have one, they shall file an affidavit to that effect within five days of their release.

7. They shall not leave India without the previous

permission of the court of enquiry or trial court as the case may be.

8. The petitioners shall deposit Rs.50,000/- (Rupees Fifty thousand only) in cash or produce the demand draft for the said amount in the trial court, which shall be held by the court subject to further orders of that trial court.

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

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

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge

