

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Bail Appl..No. 4735 of 2015

AGAINST THE ORDER IN CRMP 1987/2015 of THE SESSIONS COURT, PALAKKAD, DATED
27-07-2015

CRIME NO. 819/2015 OF KOLLENGODE POLICE STATION, PALAKKAD

PETITIONER(S)/ACCUSED NO.1:-

MUHAMMED MUSTHAFA, AGED 28 YEARS
S/O.KOMA, PARAKKALLIL HOUSE, NATTUKAL
MANNARKKAD TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.NIREESH MATHEW

RESPONDENT(S)/COMPLAINANT:-

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

BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

Bail Appl..No. 4735 of 2015

APPENDIX

ANNEXURE

A- CARBON COPY OF THE ORDER DATED 27.7.2015 IN CRL.M.P.1987 OF 2015
PASSED BY THE SESSIONS COURT, PALAKKAD.

//True copy//

P.S. To Judge

RAJA VIJAYARAGHAVAN.V. J

B.A.4735 of 2015

Dated 14th October, 2015

ORDER

- 1.This is an application for anticipatory bail filed u/s 438 of the Code of Criminal Procedure.
- 2.The petitioner is arrayed as 6th accused in Crime No.819 of 2015 of Kollengode police station, Palakkad. The said crime has been registered for offences punishable u/s 341, 332, 353, 294(b), 506(1) r/w S.34 IPC.
- 3.The prosecution allegation is that accused Nos. 1 and 2 had wrongfully restrained the de facto complainant who is the Intelligence Inspector of Commercial Taxes, Palakkad and deterred him from performing his official duties and pushed him down causing abrasion on his hand and knee. Insofar as the petitioner is concerned, it is alleged that the petitioner is the owner of the

vehicle in which the 1st and 2nd accused had travelled.

4.I have heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

5.The learned counsel for the petitioner asserted that the petitioner had absolutely no role to play in the incident. The learned Public Prosecutor submitted that the petitioner was arrayed as accused solely because of the fact that the vehicle in which the main culprits had travelled was registered in the name of the petitioner .

6.After having considered the rival submissions and the nature and gravity of the allegations, I am of the considered view that anticipatory bail can be granted to the petitioner by imposing appropriate conditions.

7.In the result, this application is allowed, but subject to the following conditions:

i). The petitioner shall be released on bail after interrogation on his executing a bond for 25,000/-, with two solvent sureties each for the like sum, if he is arrested by the police in connection with this case.

ii). 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 from disclosing such facts to the court or to any police officer.

iii). The petitioner shall make themselves available for interrogation as and when required by the investigating officer.

iv). The petitioner shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioner shall not commit any similar offence while on bail.

vi). The petitioner shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True copy//

P.S. To Judge