

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Bail Appl..No. 4764 of 2015 ()

CRIME NO. 783/2012 OF KASARAGOD POLICE STATION , KASARGOD

PETITIONER(S)/1ST ACCUSED:

**ABOOBACKER AGED 52 YEARS
S/O. ABDUL RAHIMAN, SS RESIDENCY, MANNAMKUZHI
UPPALA, KODIBAYAL, MANJESWARAM.**

BY ADV. SRI.V.TEKCHAND

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, KOCHI - 31.**
- 2. SUB INSPECTOR OF POLICE
KASARAGOD POLICE STATION, KASARAGOD DISTRICT.**

R BY PUBLIC PROSECUTOR SMT.M.MADHUBAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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BABU MATHEW P. JOSEPH, J.

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B.A. No. 4764 of 2015

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Dated this the 8th day of September, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondents. C.D produced.

3. The petitioner is working as the Assistant Director of Agriculture, Manjeshwaram. He is the first accused in Crime No.783 of 2012 of Kasaragod Police Station. The offences alleged are under Sections 468, 471 and 201 read with Section 34 of the Indian Penal Code. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. In fact, he has filed a complaint, in respect of the very same subject matter, against the 3rd accused before Kumbala Police and on that basis, Crime No.347

of 2010 of Kumbala Police Station has been registered incorporating the offences under Sections 371, 403, 409, 420, 461, 465 and 471 of the Indian Penal Code. The petitioner has no criminal antecedents. The investigation of the case has progressed much. The custodial interrogation of the petitioner is not required. He further submits that the petitioner apprehends arrest by the police at any time.

4. Learned Public Prosecutor has opposed this petition. She admits the fact that the investigation of the case has progressed much. She further submits that no criminal antecedents have been reported against the petitioner. On considering the facts and circumstances and the stage of the investigation, this Court is of the considered view that the petitioner can be granted anticipatory bail imposing appropriate conditions.

5. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

- 1) The petitioner shall surrender before the Investigating Officer on or before 15-09-2015.

In the event of his arrest, he shall be released on bail on his executing a bond for Rs. 25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

2) 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 or her from disclosing such facts to the Court or to any Police Officer.

3) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

4) The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

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

6) The petitioner shall not leave India without

the previous permission of the concerned
Magistrate's Court.

This application is allowed as above.

**Sd/-
BABU MATHEW P. JOSEPH
JUDGE**

//TRUE COPY//

PA TO JUDGE

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