

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

Bail Appl..No. 4802 of 2015 ()

CRIME NO. 238/2015 OF VIDYA NAGAR POLICE STATION, KASARGOD

PETITIONERS/ACCUSED :

- 1. ABDUL LATHEEF T.M., AGED 53 YEARS,
S/O.T.A. MAHMOOD HAJI, TAM HAJI HOUSE, THAYALANGADI,
KASARAGOD**
- 2. ABDUL AZEEZ
S/O.LATE MAHMOOD HAJI, PROPRIETOR,
GOODWILL APPAREL IMPLEX, 5TH FLOOR, 259
NAGDEVI STREET, MUMBAI 400003**

**BY ADVS.SRI.P.V.KUNHIKRISHNAN
SRI.P.V.ANOOP**

RESPONDENTS/COMPLAINANT & STATE :

- 1. SUB INSPECTOR OF POLICE
VIDYANAGAR POLICE STATION, KASARAGOD, PIN 671123**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI 682031**

BY PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.4802 of 2015

Dated this the 17th day of August 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.238 of 2015 of Vidyanagar Police station registered for the offences under Secs.323, 341, 354, 452, 467, 468, 471 and 506(ii) read with Sec.34 of the Indian Penal Code and Sec.17 of the Kerala Money Lenders Act. The prosecution case is that they trespassed into the victim's house, wrongfully restrained and assaulted him, outraged his wife's modesty, made unauthorised entries in a signed blank cheque and produced it before the bank concerned for encashment.

3. Heard both sides.

4. Admittedly there were business transactions between the parties concerned. The 2nd petitioner has filed a complaint against the victim on the dishonoured cheque.

Having regard to these facts, I am of the

opinion that detention of the petitioners is not necessary for effective investigation. So I am inclined to grant the prayer of the petitioners.

In the result the bail application is allowed.

- 1)The petitioners shall be released on bail 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) The petitioners shall appear before the investigating officer for interrogation if they are so required by him in writing.
- 3) The petitioners shall surrender their passports before the lower court concerned or if they do not have one, file affidavits to that effect.
- 4) They shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

5) They shall not intimidate or attempt to influence the witnesses.

6) They shall not destroy or tamper with evidence nor shall they get themselves involved in any other criminal case.

7) They shall co-operate with investigation of the case.

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

/True copy /

NS

P.A. To Judge