

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. 4860 of 2015

CRIME NO. 582/2014 OF KALPETTA POLICE STATION , WAYANAD

PETITIONER(S)/ACCUSED :

**T.M SUBEESH, AGED 36 YEARS,
S/O.MANU, LAKSHMI NIVAS, PUTHOOR VAYAL P.O.,
VAITHIRI TALUK, WAYANAD.**

**BY ADVS.SRI.M.P.ASHOK KUMAR
SMT.BINDU SREEDHAR
SMT.R.S.MANJULA**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
THROUGH SUB INSPECTOR OF POLICE,
KALPETTA POLICE STATION, WAYANAD DISTRICT,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, PIN- 682 030.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

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

Msd.

K. ABRAHAM MATHEW, J.

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B.A.No. 4860 of 2015

Dated this the 17th day of August, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No. 582 of 2014 of Kalpetta Police Station. Petitioner was granted bail by this Court in Bail Application No. 6193 of 2014, subject to the condition that he shall not himself involved in any other case. The learned Magistrate was empowered to cancel the bail, if he violated the conditions. On the allegation that he committed certain offences a case was registered against him subsequently as Crime No. 708 of 2014 for the offences under Sections 143, 147, 283 read with Section 149 of the Indian Penal Code and Section 39 read with Section 121 of the Kerala Police Act. On the application filed by the learned Assistant Public Prosecutor, the learned Magistrate cancelled the bail granted to him and he was arrested and produced before the learned Magistrate who remanded him to judicial custody.

3. Heard.

4. Learned senior counsel submits that the subsequent case is a false case and he was not involved in the alleged incident. He has been in custody since 03.08.2015. He undertakes that he will not get himself involved in any other case. So, I am inclined to grant his prayer.

In the result, this application is allowed.

- 1)The petitioner will 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 to the satisfaction of the learned Magistrate concerned.*
- 2) The petitioner shall appear before the investigating officer between 10 a.m and 11 a.m. every Wednesday for three months, or till the final report is filed, whichever is earlier.*
- 3)He 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.*
- 4)He shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 5)He shall not intimidate or attempt to influence the witnesses, nor shall he get himself involved in any other criminal case.*
- 6)The petitioner shall not enter the local limits of Kalpetta Police Station for three months, except for appearing before the trial court.*

7)He 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.

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

DST

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P.A. To Judge