

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. 5161 of 2015 ()

CRIME NO. 1538/2014 OF VADAKKANCHERY POLICE STATION , TRISSUR

PETITIONER(S)/APPLICANT/ACCUSED NO.3:

**NOUSHAD AGED 42 YEARS
S/O.BAPPU, KALIYATHU PULAKKAL VEEDU, PERUMBILAVU
THRISSUR.**

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.VIPIN NARAYAN
SRI.V.C.SARATH**

RESPONDENT(S)/COMPLAINANT:

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

R BY PUBLIC PROSECUTOR SMT.M.MADHBAN

**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. 5161 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 respondent. C.D. produced.

3. The petitioner is the third accused in Crime No.1538 of 2014 of Wadakkancherry Police Station. The offences alleged are under Sections 416, 420 and 468 read with Section 34 of the Indian Penal Code. Learned counsel for the petitioner submits that the petitioner is totally innocent of the allegations raised against him. He has no criminal antecedents. The investigation of the case has progressed much. The allegation is in respect of some transactions that took place in 2008-09. The police has registered this case based on a private complaint preferred by the de facto complainant before the Court. 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 submits that the investigation so far conducted did not reveal any involvement of the petitioner in the offenses allegedly committed. She further submits that no criminal antecedents have been reported against the petitioner. On considering the facts and circumstances and in view of the facts submitted by the learned Public Prosecutor, this Court is of the 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 15.9.2015.

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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