

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

Bail Appl..No. 5629 of 2015 ()

CRIME NO. 799/2015 OF PUDUNAGARAM POLICE STATION , PALAKKAD

PETITIONER:

MOHAMMED RIYAS, AGED 54 YEARS
S/O.LATE SHAHUL HAMEED
RESIDING AT ROSE GARDEN STREET, COLLEGE ROAD
PALAKKAD.

BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU

RESPONDENTS:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. THE SUB INSPECTOR OF POLICE
PUDUNAGARAM POLICE STATION, PALAKKAD -678 503.

R BY PUBLIC PROSECUTOR SRI.C.RASHEED

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

B.A. No.5629 of 2015

Dated this the 25th day of September, 2015.

ORDER

The petitioner is the accused in Crime No.799/2015 of Pudunagaram Police Station, registered under Sections 353 and 506 (i) of IPC.

2. The prosecution allegation can be briefly stated as follows:

The de facto complainant was working as an Intelligent Inspector, Special Squad in the Commercial Tax Department, Palakkad. When the petitioner brought chicken from Tamil Nadu, the de facto complainant intercepted and directed him to pay the tax and then, the petitioner intimidated the de facto complainant and thereby, deterred the de facto complainant from doing his official duty. This application has been filed under Section 438 of Cr.P.C.

3. Heard.

4. Perused the case diary. It appears from the case

diary that the petitioner did not use any force against the de facto complainant. No injury was also sustained by the de facto complainant. The petitioner is not involved in any other offence of similar nature.

5. Considering the facts and circumstances of the case, including the fact that the petitioner is a first time offender, I am inclined to grant the relief under Section 438 Cr.PC in favour of the petitioner.

6. In the result, this bail application stands allowed and the respondents are directed to release the petitioner on bail in the event of his arrest in crime No.799/2015 of Pudunagaram Police Station, on condition of the petitioner executing a bond for Rs.30,000/- (rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Sub Inspector of Police, Pudungaram Police Station, before whom the petitioner shall surrender within 10 days from today, if not already arrested, and subject to the following further conditions:

1) The petitioner shall report before the investigating officer between 9 a.m. and 11 a.m. on every Monday for three months and thereafter, as and when required by the investigating officer in writing.

2) The petitioner shall not get involved in any offence while he is on bail.

3) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

**Sd/-
B. SUDHEENDRA KUMAR
JUDGE**

Scl.

True Copy

PA to Judge