

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

Bail Appl..No. 5638 of 2015

CRIME NO. 656/2013 OF BALUSSERY POLICE STATION, KOZHIKODE

PETITIONER(S)/6TH ACCUSED:

**JAYANANDAN, AGED 46 YEARS,
S/O.MOOTHORAN, KIZHAKEECHEBAKASERI PARAMBA HOUSE,
BALUSSERY, KOZHIKODE.**

**BY ADVS.SRI.A.RAJASIMHAN
SRI.K.NIRMALAN**

RESPONDENT(S)/STATE:

**STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
BALUSSERY POLICE STATION, KOZHIKODE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A.No.5638 of 2015

Dated this the 3rd day of December, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the 6th accused in Crime No.656 of 2013 of Balussery Police Station registered for the offences punishable under Sections 3 and 25(1-B)(a) of Arms Act.

3. Prosecution case is that on 24.01.2013, accused 1 to 3 were found travelling on a motor bike with a gun. The Police officer intercepted and recovered the gun from the first accused. Prosecution contended that the petitioner, who was the owner of the seized gun, surrendered a fake gun pursuant to the notice issued.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner is innocent and he surrendered the gun as per the direction of the Police which was in his possession. He did not surrender any fake gun in his case.

6. Considering the nature of the allegations, I am

inclined to grant anticipatory bail to the petitioner with the following conditions:

- (a) The petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. Thereafter, he shall be released on bail on executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioner shall appear before the Investigating Officer as and when directed for the purpose of interrogation.
- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner shall not in any manner interfere or meddle with the investigation.

- (f) The petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge