

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Bail Appl..No. 5892 of 2015

CRIME NO. 447/2015 OF KUTTIYADI POLICE STATION , KOZHIKODE DISTRICT

PETITIONER(S)/ACCUSED :

**JAUHAR, AGED 21 YEARS,
S/O.KHALID, KURUNGOTTU HOUSE, VELAM PERUVAYAL,
KUTTIYADI.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
(CRIME NO.447/2015 OF KUTTIYADI POLICE STATION,
KOZHIKODE DISTRICT).**
- 2. STATION HOUSE OFFICER,
KUTTIYADI POLICE STATION, KOZHIKODE DISTRICT-673 508,
(CRIME NO.447/2015 OF KUTTIYADI POLICE STATION,
KOZHIKODE DISTRICT).**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-11-2015, ALONG WITH B.A.NO.5894 OF 2015 AND
B.A.NO.5897 OF 2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A.Nos.5892, 5894 and 5897 of 2015

Dated this the 20th day of November, 2015

ORDER

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

2. The petitioner apprehends arrest in Crime No. 447/2015, 457/2015, 455/2015 of Kuttiyadi Police Station for offences punishable under Section 436 read with Section 34 of the Indian Penal Code. The petitioner is the second accused in the crime.

3. The prosecution case is that this petitioner along with the first accused on different nights set fire to the dwelling house and vehicles parked in the car porch of the de facto complainants and thereby committed the offence .

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned Public Prosecutor submitted that the incident was on account of a dispute between the first accused and one Salim. The petitioner is innocent. The

learned Public Prosecutor opposed the bail application and contended that there are statements of witnesses to the effect that they saw the petitioner along with the first accused running away from the place of occurrence.

6. The learned counsel submitted that he was implicated in the crime only on 08-09-2015, that is 10 days after the last incident. Considering the nature of allegations the following directions:

- (a) 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 their executing a bond for Rs.25,000/- (Rupees Twenty Five Only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer in each case.
- (b) The petitioner shall appear before the Investigating Officer as and when required for the purpose of interrogation.

- (c) Petitioner shall surrender his passports forthwith. If he does not have a Passport, he shall swear to an affidavit stating that fact and it shall be filed before the Magistrate having the jurisdiction.
- (d) The petitioner shall co-operate in the investigation of the case.
- (e) The petitioner shall not intimidate or attempt to influence the witnesses.
- (f) The petitioner shall not in any manner interfere or meddle with the investigation.
- (g) 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.

AVS

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PA. TO JUDGE

2. Petitioners are the accused in Crime No.338 of 2015 of Balusserry Police Station registered for the offences punishable under Sections 420, 447, 468 and 471 r/w Section 34 of the Indian Penal Code.

3. Heard the learned counsel for the petitioner and learned Public Prosecutor.

4. Learned counsel for the petitioners submitted that this is a false case filed against the petitioners. Actually, there is a civil dispute between the parties. First accused in the crime filed the suit in O.S.No.139 of 2015

before the Munsiff's Court, Koyilandy and the matter is pending before that court. On account of the civil dispute a false complaint has been registered.

5. Considering the nature of allegations, I am inclined to grant anticipatory bail to the petitioners with the following conditions:

- (a) Petitioners shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on their executing a bond for `25,000/- (Rupees Twenty Five Thousand Only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioners shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioners shall co-operate with the

investigation of the case.

- (d) The petitioners shall not intimidate or attempt to influence the witnesses.
- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) Petitioners 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.

A.HARIPRASAD, JUDGE.

AS