

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Bail Appl..No. 6458 of 2015 ()

**CRIME NO. 884/2015 OF KUNDARA POLICE STATION,
KOLLAM DISTRICT**

PETITIONER/IST ACCUSED :

**ANANDAN, AGED 50 YEARS, S/O.GOPI,
NITHIKALAYAM VEEDU, MUTHUPILAKADU WEST,
SASTHAMANGALAM VILLAGE, KUNNATHOOR TALUK,
PIN - 690 521.**

BY ADV. SRI.VINCENT JOSEPH

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM. 682 031.**

BY PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-11-2015 ALONG WITH BA NO. 6466/2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A.Nos.6458 & 6466 of 2015

Dated this the 13th day of November, 2015

C O M M O N O R D E R

Applications filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner in B.A.No.6458 of 2015 is the 1st accused and the petitioner in B.A.No.6466 of 2015 is the 2nd accused in Crime No.884 of 2015 of Kundara Police Station registered for the offences punishable under Sections 419, 468, 471 & 120B r/w Section 34 of the Indian Penal Code and Sections 3, 13(1)(b) of the Unlawful Activities (Prevention) Act, 1967.

3. Prosecution case is that the petitioners procured SIM cards in the name of the defacto complainant by using their photos and identity cards with a representation that they would be provided with micro finance facility. Later, the petitioners misused the identity cards and obtained SIM cards for mobile phones and propagated CPI(Mavoist) ideology. It is also contended that the said organization is a banned organization.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that they are in custody from 11.05.2015 onwards.

6. In answer to this submission the learned Public Prosecutor submitted that after closing investigation a final report has already been filed in the matter within the stipulated time.

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

(a) The petitioners shall be released on bail on executing a bond for ₹1,00,000/- (Rupees One Lakh Only) each with two solvent sureties each for the like sum to the satisfaction of the learned magistrate having jurisdiction.

(b) The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on solvency certificate, but other documents can also be

perused to find out whether the sureties are solvent or not.

- (c) The petitioners shall appear before the court without any failure.
- (d) The petitioners shall not leave the State of Kerala without the permission of the trial court.
- (e) The petitioners shall not intimidate or attempt to influence the witnesses.
- (f) The 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.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge