

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Bail Appl..No. 6544 of 2014 ()

CRIME NO. 1189/2014 OF TIRUR POLICE STATION , MALAPPURAM

PETITIONER/ACCUSED:

MOHAMMED SHAREEF AGED 50 YEARS
S/O.MELEPPURATH KARUTHANGATT MOIDEENKUTTY, DARSSALAM
MURIVAZHIKKAL, POST PARAVANNA, TIRUR TALUK
MALAPPURAM DISTRICT.

BY ADV. SRI.C.M.MOHAMMED IQUBAL

RESPONDENT:

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

Addl .R2 .

Haneefa, S/o. Saidali,
AGED 41 YEARS,
CHEMBAYIL MOOPILAKANDI HOUSE,
PACHATTIRI AMSOM, DESOM
TIRUR TALUK, MALAPPURAM, DISTRICT
IS IMPEADED AS ADDITIONAL R2 AS PER ORDER DATED 15.10.2014 IN
CRL.M.A. 9417/14 IN BA 6544/14.

R1 BY PUBLIC PROSECUTOR SMT. MADHU BEN

R2 BY ADV. SRI.JAMSHEED HAFIZ

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ks.

BABU MATHEW P. JOSEPH, J.

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B.A. No. 6544 of 2014

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Dated this the 25th day of June, 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, the learned Public Prosecutor appearing for the first respondent and the learned counsel appearing for the additional second respondent. C.D. produced.

3. The petitioner is the accused in Crime No. 1189 of 2014 of Tirur Police Station. The offences alleged are under Sections 403, 406 and 420 of IPC. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. He has no criminal

antecedents. There was some transaction between the petitioner and the de facto complainant and the entire amount due to the de facto complainant has been given to him. Now the petitioner is falsely implicated in 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. The learned Public Prosecutor has opposed this petition. The Case Diary shows that the investigation of the case has progressed much. The learned Public Prosecutor submits that no criminal antecedents have been reported against the petitioner. On considering the facts and circumstances, stage of the investigation and the fact that no criminal antecedents have been reported against the petitioner, the petitioner can be granted anticipatory bail imposing appropriate conditions. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

1) The petitioner shall surrender before the Investigating Officer on or before 02.07.2015. In the event of his arrest, he shall be released on bail on his executing a bond for Rs. 25,000/- (Rupees twenty five thousand) 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

ks.

True copy

P.S. (Hr.Gr.)To Judge

