

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

Bail Appl..No. 6824 of 2015 ()

CRIME NO. 216/2014 OF VAZHAKKAD POLICE STATION, MALAPPURAM DISTRICT

PETITIONER/ACCUSED NO.1:

**MUHAMMED ASHARAF,
S/O. IMBICHI MOYI, AGED 46 YEARS,
MANNAROTTUPARAMMAL HOUSE,
KARUMARAKKADU, VAZHAKKAD,
MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STAE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
VAZHAKKAD POLICE STATION,
MALAPPURAM DISTRICT, PIN-673 640.**

BY SR PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A. HARIPRASAD, J.

Bail Appl. No.6824 of 2015

Dated this the 4th day of November 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.216 of 2014 of Vazhakkad Police station registered for the offences punishable under Secs.294(b), 323, 341, 365, 379, 390, 420, 452, 463, 468 and 506(i) read with Sec.34 of the Indian Penal Code. The crime was registered on the basis of a private complaint filed before the Judicial First Class Magistrate Court, Malappuram which was referred to investigation under Sec.156(3) Cr.P.C. The dispute appears to be in connection with a real estate business between the petitioner and the defacto complainant.

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

4. Learned counsel for the petitioner, relying on Annexure-A2 order passed by this Court in B.A. No.3376 of 2014, contended that the 2nd accused in this crime had

been released on pre arrest bail by this Court. The same set of facts and circumstances are there in the case of the 1st accused also.

5. Learned Public Prosecutor submitted that the presence of the petitioner is required for further progress of investigation.

6. It appears that the dispute is mainly of a civil nature. Hence, following directions are issued.

1. The petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation.

2. In the event of arrest, the petitioner shall be released on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. The petitioner shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

4. The petitioner shall not intimidate or

attempt to influence the witnesses, nor shall he tamper with the evidence.

5. The petitioner shall co-operate with investigation of the case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/04/11/2015

P.A. To Judge