

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Bail Appl..No. 7031 of 2015

CRIME NO. 1355/2015 OF KALAMASSERY POLICE STATION, ERNAKULAM
.....

PETITIONER(S)/ACCUSED NO.2:

**ABDUL KAREEM, AGED 52 YEARS,
S/O.ALIYAR, ANAM THANATH HOUSE, PERUMBAVOOR.**

BY ADV. SRI.ANIL K.MOHAMMED

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-683 031.**

BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
19-11-2015 ALONG WITH BA.7043/2015 THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A.Nos.7031 & 7043 of 2015

Dated this the 19th day of November, 2015

ORDER

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

2. Petitioners are accused 2 and 3 in Crime No.1355 of 2015 of Kalamassery Police Station registered for the offences punishable under Sections 365, 342 & 506 (i) r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that the petitioners along with other accused invited the defacto complainant and his friend to the Kalamassery HMT Junction on 12.10.2015 at about 11.00 p.m., on the pretext to settle some money transactions. They took the persons in a car belonging to the first accused and petitioners (accused 2 and 3) took them by force. They wrongfully restrained the defacto complainant in the Office of the 1st accused at Perumbavoor. Thereafter, they threatened that unless ₹24,00,000/- was paid, he would be killed.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the accused persons handed over money to the defacto complainant for securing visa and that was sought to be returned. There is no criminal offence.

6. Learned Public Prosecutor submitted that the first accused had been arrested and released on bail. Recovery had already been effected.

7. Considering the nature of the offences and the stage of investigation, I am inclined to grant pre-arrest bail to the petitioners with the following directions:

- (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 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 directed 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) 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