

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 7109 of 2015 ()

CRIME NO. 1164/2015 OF THODUPUZHA POLICE STATION, IDUKKI DISTRICT

PETITIONER/ACCUSED NO.4 :

**ALI AKBAR
AGED 31 YEARS, S/O. HAMSA,
PATHYIL (H), KADAMPUZHA P.O.
PANGOOOTH ROAD, THUVAPPARA,
MALAPPURAM - 676 553.**

**BY ADVS.SRI.M.B.SANDEEP
SMT.R.PRIYA
SRI.B.SURJITH
SMT.R.ANJANA
SRI.VIJU CHAKKALAKKAN**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A. No.7109 of 2015

Dated this the 17th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Fourth accused in Thodupuzha Police Station Crime No.1164 of 2015 registered alleging offences punishable under Sections 363, 368, 376 and 120B read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 seeks pre-arrest bail.

3. Prosecution case is that accused 1 to 7 conspired together and kidnapped the daughter of defacto complainant who was in love with the first accused. There is no allegation that the petitioner has committed rape on the victim.

4. Heard both sides.

Considering the nature of allegations and the fact that accused 2 and 3 in the same case, who stands on the same footing of the petitioner, had been granted bail, following directions are issued:

i. Petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation.

Thereafter he shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in Crime No.1164 of 2015 of Thodupuzha Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioner shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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