

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

Bail Appl..No. 7414 of 2015 ()

**CRIME NO. 670/2015 OF AMBALAVAYAL POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONERS/ACCUSED :

- 1. NAHIF ALI, S/O. HASSAN, AGED 26 YEARS,
CHOLAKKAL HOUSE, VADAPURAM, NILAMBUR
VADAPURAM P.O., MALAPPURAM DISTRICT - 676 542.**
- 2. ANSHEER C.H.
S/O.HAKEEM, AGED 24 YEARS, CHULLIYODE P.O.,
MALAPPURAM DISTRICT 676 332.**
- 3. ANOOP ABU,
S/O. ABOOBEKER, AGED 23 YEARS, KALOTH HOUSE,
CHULLIYODE P.O, MALAPPURAM DISTRICT 676 332.**
- 4. NISHAD N., S/O.BEERAN,
AGED 20 YEARS, CHULLIYODE P.O.,
MALAPPURAM DISTRICT 676 332.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
AMBALAVAYAL POLICE STATION, MALAPPURAM DISTRICT
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

B. SUDHEENDRA KUMAR, J.

Bail Appl. No.7414 of 2015

Dated this the 9th day of December 2015

ORDER

This is an application filed under Sec.438 Cr.P.C.

2. Petitioners are the accused in Crime No.670 of 2015 of Ambalavayal Police station registered under Secs.3(1) of the Prevention of Damage to Public Property Act and Secs.120(B) and 201 of the Indian Penal Code.

3. Prosecution case is that on 08.01.2015 at 4.30 a.m., the petitioners, in furtherance of their common intention, carried chick through the Talur check post in two Volero pick up vans escorted by a car after causing damage to the pillar of the check post, for evading sales tax to the tune of Rs.3 lakhs. The State Government sustained a loss of Rs.5,370/- due to the damage caused to the check post pillar.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor. Perused the case

diary.

4. Learned Public Prosecutor has no serious objection in allowing this application. It is submitted that the petitioners are the first time offenders. The petitioners did not cause any bodily injury to any person.

5. Considering the facts and circumstances of the case, I am of the view that custodial interrogation of the petitioners is not necessary in this case. In the said circumstance, I am inclined to grant an order under Sec.438 Cr.P.C. in favour of the petitioners.

In the result, the bail application stands allowed and the respondent is directed to release the petitioners on bail in the event of their arrest in Crime No.670 of 2015 of Ambalavayal Police station on condition of each of the petitioners depositing an amount of Rs.5,000/- each and simultaneously executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each, each for the like sum to the satisfaction of the Sub Inspector of Police, Ambalavayal Police station, before whom the petitioners shall surrender within ten

days from today, if not arrested in the meantime and subject to the following further conditions.

1. The petitioners shall report before the investigating officer on every Monday between 9.00 a.m. and 11.00 a.m. for three months and thereafter as and when required by the investigating officer in writing to do so.

2. The petitioners shall not get involved in any other offence while on bail.

3. The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

If the petitioners deposit the amount as directed above, the Sub Inspector of Police shall deposit the said amount before the Court below on the same day.

Sd/-

**B. SUDHEENDRA KUMAR
JUDGE**

/ True Copy /