

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937Q

Bail Appl..No. 7449 of 2015

CRIME NO. 504/2015 OF VIDYA NAGAR POLICE STATION, KASARGOD

PETITIONER(S)/ACCUSED NOS.1,3 AND 4:

1. SAINUDDHEEN C.S. @ SUNU, AGED 25 YEARS,
S/O.SALIYA, QUARTERS-I, KOLAKKERI,
NAPPOKKULU, MADIKERI TALUK, KODAG DISTRICT,
KARNATAKA.
2. ARIF T.M., AGED 21 YEARS,
S/O.MAJEED T.A., THARCHANDI HOUSE, 7TH OSKOTTA,
SUNDIKKOPPA, SOMARPETTA TALUK, KODAG DISTRICT,
KARNATAKA.
3. VENU @ VENUGOPALAN @ VINU, AGED 29 YEARS,
S/O.NATARAJ (LATE), NEAR SBI BANK, BANDICHOTTU,
KUSHAL NAGAR, KODAG DISTRICT, KARNATAKA.

BY ADV. SRI.V.TEKCHAND

RESPONDENT(S)/COMPLAINANT/STATE:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-31.
2. STATION HOUSE OFFICER,
VIDYA NAGAR POLICE STATION,
KASARAGOD DISTRICT-670001.

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.7449 of 2015

Dated this the 30th day of November, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Accused 1, 3 and 4 in Crime No.504 of 2015 of Vidyanagar Police Station registered for an offence punishable under Section 395 of the Indian Penal Code seek bail.

3. Prosecution case, in brief, is that on 21.09.2015 at about 13.00 hours, the accused persons pushed the defacto complainant while he was travelling on a motor cycle and robbed ₹15,80,000/- from him.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that as per order on B.A.No.7391 of 2015, this Court had granted bail to the second accused in the above crime.

6. Learned Prosecutor opposed the bail application. She submitted that the second petitioner, who is the third accused, is involved in an offence under Section 397 of the Indian Penal Code recently.

Considering the nature of allegations, I am not inclined to grant

bail to the third accused (second petitioner). His application will stand dismissed. In respect of petitioners 1 and 3 (accused 1 and 4), following order is passed:

i. Petitioners shall be released on bail on each one of them executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall be the persons permanently residing in the State of Kerala. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.

iv. They shall not indulge in any offence while on bail.

v. They shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

vi. They shall not leave the limits of Kasaragod District for a period of three months or until the final report is filed, whichever is earlier.

If any of the above conditions is breached by the petitioners, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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