

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Bail Appl..No. 7609 of 2015 ()

CRIME NO. 820/2015 OF MANNARKKAD POLICE STATION,PALAKKAD DISTRICT

PETITIONER/ACCUSED:

**ABDULLA, AGED 47 YEARS,
S/O.AHAMMED @ KUNHAPPU,
KURUVAKALAYAN HOUSE, PARASSERY,
THENKARA P.O., MANNARKKAD, PALAKKAD DISTRICT,
PIN -678 582.**

BY ADV. SRI.P.R.SHAJI

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.7609 of 2015

Dated this the 8th day of December, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.820 of 2015 of Mannarkkad Police Station registered for offences punishable under Sections 379, 294(b) and 506(ii) read with Section 34 of the Indian Penal Code. He seeks pre-arrest bail.

3. Prosecution case, in brief, is that on 06.07.2015 at 10.00 a.m., petitioner came to the residence of the defacto complainant and unauthorizedly took away 16 sq. ft. timber. Petitioner and the defacto complainant were engaged in collecting materials of demolished old houses. There was some difference of opinion. It is the case that the defacto complainant owed money to the petitioner. On account of that the case is filed is the version of the petitioner.

4. Heard both sides.

Considering the nature of allegations I do not find any need to have a custodial interrogation in this case. Hence the following order:

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.820 of 2015 of Mannarkkad 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 on all Saturdays between 10.00 and 11.00 a.m. until final report is filed.

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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