

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Bail Appl..No. 7683 of 2015

**CRIME NO. 1670/2015 OF KILIMANOOR POLICE STATION,
THIRUVANANTHAPURAM**

PETITIONER(S)/ACCUSED NOS. 1 & 2:

- 1. ABDUL RASHEED, AGED 56 YEARS,
S/O.IBRAHIM KUTTY, ANZIYA MANZIL, MUNDONIKKARA,
KATTUMPURAM P.O., KALLARA, THIRUVANANTHAPURAM DISTRICT.**
- 2. T.P.RAMESH KUMAR, AGED 51 YEARS,
S/O.PRABHAKARAN, ADARSH BHAVAN, MUNDONIKKARA,
KATTUMPURAM P.O., KALLARA,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT(S):

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

BY PUBLIC PROSECUTOR SMT.HYMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K.P. JYOTHINDRANATH, J.

B.A. No. 7683 of 2015

Dated this the 18th day of December, 2015

ORDER

This is an application filed under Section 438 of the Code of Criminal Procedure. The case of the petitioners is that the petitioners are apprehending arrest and detention in connection with crime No. 1670/2015 of Kilimanoor Police Station, where the major offence is under Section 354 of Indian Penal Code.

2. It is the submission of the counsel for the petitioners that, it was only a politically motivated complaint. it is also the submission that even believing the allegations of the prosecution is true, It can be seen that the elements of mens rea required under Section 354 of Indian Penal Code will be lacking.

3. I perused the case diary and after going through the case diary and also after hearing the prosecutor, the following order passed :

i) The petitioners shall appear before the Investigating Officer within 10 days from the date of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioners. After the completion of the interrogation, if the Police Officer feels that, arrest is necessary, he is at liberty to arrest the petitioners. After arrest, the petitioners shall be released on bail on executing a bond for Rs. 25,000/- with two solvent sureties each.

ii) After release on bail, the petitioners shall appear before the Investigating Officer on all Saturdays in between 10.00 a.m. and 12 noon for a period of two months.

iii) The petitioners shall not commit similar offences during bail period.

iv) The petitioners shall not influence or intimidate the witnesses.

On the above conditions, this anticipatory bail application is allowed.

Sd/-
K.P. JYOTHINDRANATH
JUDGE

bpr

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P.A. TO JUDGE