

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

Bail Appl..No. 7725 of 2015 ()

CRIME NO. 949/2015 OF KALAMASSERY POLICE STATION,ERNAKULAM DISTRICT

PETITIONER(S)/ACCUSED 8 & 10:

- 1. ANILKUMAR @ KUTTA,
S/O.RAMACHANDRA SHETTY, AGED 30 YEARS,
ARPANA NILAYA, OLAM MARA HOUSE,
BADIYADKA KARA, PERADALA P.O., BADIYADKA VILLAGE,
KASARAGOD DISTRICT.**
- 2. FATHIMA.C @ FATHIMATH FASEELA, AGED 24 YEARS,
W/O.MUHAMMAD NISSAM, CHAPPINATAKATH HOUSE,
CHAPPARAPADAVI KARA, KOOVERI VILLAGE, KANNUR.**

**BY ADVS.SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING THE S.I OF POLICE,
KALAMASSERY POLICE STATION.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A No.7725 of 2015

Dated this the 10th day of December, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioners are accused Nos.8 and 10 in Crime No.949/2015 of Kalamassery Police Station registered for offences punishable under Sections 365, 395, 398 and 402 I.P.C.

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

4. Prosecution case, in short, is that on 25-03-2015, the accused intercepted the car driven by the defacto complainant with an intention to commit dacoity. 10th accused, a lady sat with the defacto complainant and photographs were taken in mobile phone. Thereafter, using this photographs, the defacto complainant was threatened and demanded Rs.10 Lakhs. Out of which, Rs.5 Lakhs have already been given.

5. Learned Public Prosecutor opposed the bail application. 8th accused is involved in another crime which is pending trial. 10th accused is not involved in any other crime. Considering the nature of allegations, I am not inclined to grant bail to the 8th accused. Bail is granted to the 10th accused (second petitioner) with following strict conditions :

1. The 10th accused (second petitioner) shall be released on bail on executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioner shall appear before the Investigating Officer on all Saturdays between

10.00 and 11.00 a.m until final report is filed.

4. The petitioner shall not indulge in any offence while on bail.
5. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

**Sd/-
A.HARIPRASAD,
JUDGE.**

amk

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P.A to Judge