

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Bail Appl..No. 8025 of 2015

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

PETITIONER(S)/7TH ACCUSED :

**MOIDEEN KUNJU@ KAKKA MOIDEEN, AGED 45 YEARS,
S/O.ABDULLA, KAKKA HOUSE, ARIKKADI KUNNIL KARA,
NEAR HIDR MOSQUE, KUMBALA P.O., KASARAGOD DISTRICT.**

**BY ADVS.SRI.R.KRISHNAKUMAR (CHERTHALA)
SRI.P.A.IBRAHIM**

RESPONDENT(S)/STATE :

**STATE OF KERALA,
REP BY SUB INSPECTOR OF POLICE,(CRIME NO.949/2015)
KALAMASSERY POLICE STATION, KALAMASSERY,
REP. THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A. HARIPRASAD, J.

Bail Appl. No.8025 of 2015

Dated this the 21st day of December 2015

O R D E R

Bail application filed under Sec.439 Cr.P.C.

2. Petitioner is the 7th accused in Crime No.949 of 2015 of Kalamassery Police station registered for the offences punishable under Secs.398, 402, 365 and 395 of the Indian Penal Code. Gist of the allegation is that, ten accused persons committed the offence on 23.05.2015. The defacto complainant was called over phone by a women, whom he had acquaintance through Whatsapp. He was taken to a shopping mall and after spending some time, he was asked to take her to a hospital near Wellington island to meet her friends. When they reached at a lonely place, some accused persons intercepted the vehicle and by force the petitioner was caused to sit along with the lady and took their photographs. By using the photographs, the petitioner was blackmailed and Rs.5 lakhs were received from him. He was asked to pay more. It is therefore alleged that the accused persons are guilty

of the aforementioned offences.

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

4. Learned counsel for the petitioner submitted that the petitioner is innocent of all the allegations. It is submitted that the petitioner is in custody from 27.10.2015 onwards and bail may be granted to him.

Considering the fact that investigation has advanced to a considerable extent, bail is granted to the petitioner with the following conditions.

i. The petitioner shall be released on bail on his executing a bond for Rs.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 and shall produce documents to establish their identity and solvency.

iii. The lower Court need not insist on solvency certificate. Other documents revealing the solvency of the sureties can also be relied on.

iv. The petitioner shall appear before the Investigating Officer for interrogation on all Mondays and Thursdays between 10.00 a.m. and 11.00 a.m. until final report is filed.

v. The petitioner shall surrender his passport before the lower court concerned or if he does not have the same, file an affidavit to that effect.

vi. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

vii. The petitioner shall not involve in any other offence during the period of bail.

In case of violation of any of the above

conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/21/12/2015

P.A. To Judge