

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

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

Bail Appl..No. 8053 of 2015 ()

**CRIME NO. 410/2015 OF VIDYANAGAR POLICE STATION,
KASARGOD DISTRICT**

PETITIONER/ACCUSED NO.3 :

**ARIF T.M., AGED 21 YEARS,
S/O.MAJEED T.A., THARCHANDI HOUSE, 7TH OSKOTTA
SUNDIKKOPPA, SOMARPETTA TALUK, KODAG DISTRICT
KARNATAKA (ARRESTED ON 24-9-2015).**

BY ADV. SRI.V.TEKCHAND

RESPONDENTS/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 - 673286.**

R1 & R2 BY PUBLIC PROSECUTOR SRI.K.K. RAJEEV

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

bp

A. HARIPRASAD, J.

Bail Appl. No.8053 of 2015

Dated this the 18th day of December 2015

O R D E R

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

2. Petitioner is the 3rd accused in Crime No.410 of 2015 of Vidyanagar Police station registered for the offence punishable under Sec.395 of the Indian Penal Code. Prosecution case in short is that, on 21.09.2015 at about 13.00 hours, the accused persons pushed down the defacto complainant when he was travelling on a motorcycle and robbed Rs.15,80,000/- from him.

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

4. Learned counsel for the petitioner submitted that as per order dated 30.11.2015 in B.A. No.7449 of 2015, accused persons except this petitioner was released on bail by this Court. His application was rejected finding that he had involved in another crimes of similar nature.

5. The petitioner is in custody for more than 86

days. Charge has not been filed so far. After hearing the learned counsel on both sides, I am of the view that the petitioner can be released on bail with the following strict 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. The sureties shall produce documents to establish their identity and solvency.

iii. 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.

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 indulge in any offence while on bail.

vii. The petitioner shall not intimidate or attempt to influence the witnesses or meddle with the investigation in any manner.

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

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/18/12/2015

P.A. To Judge