

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. 8054 of 2015 ()

CRIME NO. 1062/2014 OF KASARAGOD POLICE STATION, KASARAGOD DISTRICT

PETITIONER/ACCUSED NO.1:

**ARIF T.M.,
S/O. MAJEED, AGED 21 YEARS
THARCHANDI HOUSE, 7TH OSKOTTA
SUNDIKKOPPA, SOMARPETTA TALUK,
KODAG DISTRICT, KARNATAKA.**

BY ADV. SRI.V. TEKCHAND

RESPONDENT/COMPLAINANT/STATE :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, KOCHI - 31.**
- 2. STATION HOUSE OFFICER
KASARAGOD POLICE STATION,
KASARAGOD DISTRICT.**

R1 & R2 BY PUBLIC PROSECUTOR SRI. ABHIJETT LESSLI

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

Mn

A. HARIPRASAD, J.

Bail Appl. No.8054 of 2015

Dated this the 18th day of December 2015

ORDER

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

2. Petitioner is the 1st accused in Crime No.1062 of 2014 of Kasaragod Police station registered for the offences punishable under Secs.397 and 365 read with Sec.34 of the Indian Penal Code. Prosecution case in short is that, on 16.12.2014 at about 16.30 hours, the accused persons invited the defacto complainant to Kasargod town and abducted him in a car. Thereafter, they committed robbery of Rs.2,45,000/-, costly watch and two mobile phones possessed by him. He was intimidated at gun point.

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

4. Learned Public Prosecutor opposed the bail application. It is submitted that the petitioner is in custody for more than 60 days and therefore, he is entitled to get statutory bail. In the order passed by the

court below, it is mentioned that the petitioner was arrested and produced before the Court on 15.10.2015.

Considering the period of detention of the petitioner and the fact that no charge has been filed, 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. 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

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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 /

P.A. To Judge

NS/18/12/2015