

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Bail Appl..No. 9056 of 2014 ()

CRL.MP 2068/2014 of D.C. & SESSIONS & MACT, KALPETTA
CRIME NO. 398/2014 OF PADINJARETHARA POLICE STATION , WAYANAD

PETITIONER/APPLICANT/ACCUSED NO.3:

SUBAIR C.K. AGED 45 YEARS
S/O. ALI, CHAKKALAKUNNU HOUSE, CHEMBALA
GUDALLUR P.O., NILGIRI DISTRICT.

BY ADVS.SRI.KRISHNA PRASAD. S
SRI.B.SIBI

RESPONDENT/RESPONDENT/COMPLAINANT/STATE:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
REPRESENTING THE STATION HOUSE OFFICER
PADINJARETHARA POLICE STATION.

BY PUBLIC PROSECUTOR, SRI.SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
26-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.9056 of 2014

Dated this the 26th day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the third accused in Crime No.398/2014 of Padinjarethara Police Station registered for the offences punishable under Sections 341, 342, 294(b), 353, 332, 225B and 506(i) read with Section 34 I.P. C.

3. A non-bailable warrant for arrest of A2 was issued from the Judicial First Class Magistrate's Court-1, Perumbavoor and the warrant was issued to the Sub Inspector of Police, Mananthavadi Police. When the Police Officers attached to the Mananthavadi Police Station went to the house of A2 at 10.30 p.m., on 11.11.2014 for the execution of the warrant, it is alleged that they were wrongfully restrained, abused and attacked by the petitioner

and the other accused. They were criminally intimidated when the police officers attempted to take away A2, who is the accused, against whom the non-bailable warrant was pending. It is alleged that the other accused forcibly dragged A2 into the house. By the time when the presence of Padinjarethara police was obtained, all the accused escaped from the house through the rear door.

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

5. It seems that the investigation of the case is practically over. A1 and A2 were arrested, detained and subsequently enlarged on bail. All the main overt acts are alleged against A1 and A2. The petitioner is a person hailing from Tamil Nadu. He is not a relative or even a friend of A2. When compared to the allegations against A1 and A2, the allegations against the petitioner are trivial. No criminal antecedents have been reported against the petitioner. Considering all the aforesaid facts and circumstances of

the case, I am of the view that the custodial interrogation of the petitioner is not required for the continued investigation of the case and therefore, anticipatory bail can be granted to the petitioner.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) Both the suerties shall be from State of Kerala.

(ii) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 2.4.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(iii) The petitioner shall not tamper with the evidence or influence witnesses.

(iv) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(v) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA,
JUDGE

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PA to Judge

