

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

Bail Appl.No. 9197 of 2014

CRIME NO. 1651/2014 OF NEDUMANGAD POLICE STATION, THIRUVANANTHAPURAM
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PETITIONER(S)/ACCUSED:

**NAJEEB KHAN, AGED 61,
SON OF PAREETH KUNJU, KUZHIVILA, NEDUMANGAD POST,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SMT.SREEDEVI KYLASANATH
SRI.ACHUTH KYLAS
SRI.M.JAYAKRISHNAN**

RESPONDENT(S)/STATE/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICE (STATION HOUSE OFFICER),
NEDUMANGAD POLICE STATION, NEDUMANGAD,
THIRUVANANTHAPURAM DISTRICT.**

BY PUBLIC PROSECUTOR SMT.LISHA A.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
10-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

SUNIL THOMAS, J.

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B.A.No.9197 of 2014

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Dated this the 10th day of July, 2015

ORDER

The sole accused in Crime No.1651 of 2014 of the Nedumangad Police Station for offence punishable under Section 353 of the Indian Penal Code is the petitioner herein.

2. The allegation of the de facto complainant, who is a Head Clerk of Wakf Board, is that on 19.12.2014, while he was discharging his official duties by collecting money from the collection box kept outside the Muslim Jamath, the accused with the intention of deterring him from discharging his official function threatened him and attacked. On the basis of the complaint lodged, crime was registered and anticipating arrest, accused has approached this Court seeking pre-arrest bail.

3. Heard and examined the records.

4. The basis of the contention of the learned counsel for the accused is that he was not aware that the de facto complainant was an official of the Wakf Board. It is on record that there was a dispute relating to the above Jamath which has ultimately resulted in C.R.P.No.542 of 2011 and is pending before this Court. Considering the entire facts, I feel that the essential allegation against the accused is sought to be proved by the oral testimony of the de facto

complainant and the witnesses, for which the custodial interrogation of the accused is not warranted. Hence, I am inclined to grant bail to the petitioner subject to the following conditions:

(i) Applicant shall appear before the Investigating Officer on 21.07.2015 between 9 a.m. and 10 a.m., After conclusion of the interrogation, if he is proposed to be arrested, he shall be released on bail on executing bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like sum each.

(ii) Applicant shall not interfere in the process of investigation, threaten, coerce or intimidate the witnesses and shall co-operate with the investigation.

(iii) Applicant shall appear before the Investigating Officer as and when called for.

The application is allowed accordingly.

Sd/-
SUNIL THOMAS
Judge

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