

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

Bail Appl..No.9227 of 2014

CRIME NO.1483/2014 OF THOPPUMPADY POLICE STATION,ERNAKULAM.

PETITIONER/ACCUSED 6:

**NISSAR,AGED 35,S/O.ABDUL KHADER,
BITHUL AMEEN HOUSE,CHEEYAMPILLY,
MANNACHERRY VILLAGE,ALAPPUZHA DISTRICT,
NOW RESIDING AT RENTED HOUSE OF XAVIER,
DON BOSCO LANE,MUNDAMVELI KARA,
REMESWARAM VILLAGE.**

**BY ADVS.SRI.PRAVEEN K. JOY
SRI.E.S.SANEEJ**

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,
REPRESENTED BY S.I OF POLICE,
THOPPUMPADY POLICE STATION.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B. KEMAL PASHA, J.

.....
B.A. No.9227 of 2014
.....

Dated this the 5th day of January, 2015

ORDER

~ ~ ~ ~ ~

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 6th accused in Crime No.1483/2014 of Thoppumpady Police Station registered for the offences punishable under Sections 120B, 364A, 506(ii) and 395 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 13.10.2014 at 7 p.m., they called the de facto complainant and his friend Subhash to a spot near '*Lulu Mall, Edappally*', from where they were forcibly abducted by a car to a godown at Mattancherry wherein they were confined. They were severely beaten up and all their properties including an amount of 13,400/-, 3 ATM cards, a mobile phone, a blank signed cheque leaf, their driving licences and their photographs, etc. were snatched

away. By demanding an amount of 1,50,000/- as ransom for their release, they were tortured to the maximum. The petitioner was arrested on 15.10.2014 and thereafter, he has been in custody.

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

5. The learned Public Prosecutor has reported that the petitioner is involved in three other crimes also, namely, Crime No.287/2009 of Poochakkal Police Station and Crime Nos.157/2007 and 10/2008 of Muhamma Police Station. The petitioner has been in custody for the period from 15.10.2014 onwards. Having regard to the period undergone by the petitioner in custody and the present stage of the investigation, I am of the view that the petitioner can be enlarged on bail on conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with

two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays, commencing from 08.01.2015 for a period of six months.

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

(iii) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(iv) 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)

aks/05/01

// True Copy //

PA to Judge