

(2021) 12 KL CK 0199
In the High Court Of Kerala
Case No : Bail Application No. 9185 Of 2021

Ayyoob V.K

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 31-12-2021

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 389, 395

Citation : (2021) 12 KL CK 0199

Hon'ble Judges : Dr Kauser Edappagath, J

Bench : Single Bench

Advocate : M.Devesh, T.V.Neema

Final Decision : Allowed

Judgement

Dr Kauser Edappagath, J

This is an application filed u/s 439 of the Code of Criminal Procedure seeking regular bail.

2. The petitioner is the accused No.4 in Crime No.598/2021 of Nilambur Police Station. The offences alleged are under Sections 389 and 395 of IPC.

3. The prosecution case in short is that on 17/10/2021, petitioner along with the remaining accused wrongfully confined the de facto complainant from

10.00 a.m to 5.00 p.m. and robbed 5,00,000/- from him by criminally intimidating him stating that he will be arrayed as an accused in a POCSO case.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioner submitted that the petitioner is absolutely innocent and he has been falsely implicated in the present case. He

further submitted that there are no materials to connect the petitioner with the alleged crime and hence he is entitled to get bail. The learned Public

Prosecutor opposed the bail application. She contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioner and

if the petitioner is released on bail at this stage, it would affect the course of investigation.

6. Perusal of the case diary would reveal that prima facie there are materials on record to connect the petitioner with the crime. However, the

petitioner was remanded to judicial custody on 4/11/2021. In view of the nature of the crime and the stage of investigation, I do not find any reason to

hold that the continued detention of the petitioner is required for any purpose. The investigation seems to have reached a fair stage. There is a delay of

22 days in lodging the FIR. Moreover, the only allegation against the petitioner is that he has assisted the remaining accused in the commission of the

offence. For all these reasons, the petitioner is entitled to be released on bail on conditions.

In the result, the application is allowed on the following conditions:-

(i) The petitioner shall be released on bail on executing a bond for 1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.

(ii) The petitioner shall fully co-operate with the investigation.

(iii) The petitioner shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The petitioner shall also appear

before the investigating officer as and when required by him.

(iv) The petitioner shall not commit any offence of like nature while on bail.

(v) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with

the evidence or influence any witnesses or other persons related to the investigation.

(vi) The petitioner shall not leave State of Kerala without the permission of the trial Court.