

**Siddique Vs. State of Kerala**

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**Court :** Kerala

**Decided On :** Apr-02-2014

**Judge :** Honourable Mr.Justice Thomas P.Joseph

**Appellant :** Siddique

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 2D DAY OF APRIL 2014 12TH CHAITHRA, 1936 Bail Appl..No. 2279 of 2014 () ----- CRIME NO. 570/2012 OF MANJESHWAR POLICE STATION, KASARAGOD DISTRICT ----- PETITIONER/ACCUSED NO.5 : ----- SIDDIQUE, AGED 38 YEARS S/O.LATE POKKER, BAIKATTA HOUSE, POST PAIVALIKE KASARAGOD TALUK, KASARAGOD DISTRICT. BY ADV. SRI. K.P. HARISH RESPONDENTS/STATE OF KERALA & COMPLAINANT : ----- 1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. THE STATION HOUSE OFFICER, (CRIME NO.570 OF 2012 OF MANJESHWAR POLICE STATION) KASARAGOD DISTRICT - 671 312. R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA THIS BAIL APPLICATION HAVING

COME UP FOR ADMISSION ON0204-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn THOMAS P. JOSEPH. J.

===== Bail Application No. 2279 of 2014  
===== Dated this the 2nd day of April, 2014

## ORDER

Petitioner is the 5th accused in Crime No.570 of 2012 of the Manjeswar police station for the offences punishable under Secs.143, 147, 148, 341, 332, 225 and 308 r/w. Sec. 149 of the Penal Code, apprehends arrest and has filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 13.10.2012 at about 11:30 a.m. the petitioner and others attacked the de facto complainant with deadly weapons. Final report is filed in the JFMC, Kasaragod on 20.02.2014.

3. Learned counsel requested for pre-arrest bail.

4. Since the final report is already filed, custodial B.A. NO. 2279 of 2014 2 interrogation of the petitioner does not appear to me as necessary. Hence I am inclined to grant relief. Application is allowed as under:

1. Petitioner is granted bail in Crime No.570 of 2012 of the Manjeswar police station. 2) Petitioner shall surrender before the learned JFM, Kasaragod in Crime No.570 of 2012 of the Manjeswar police station on 09.04.2014 at 11:00 a.m. 3) On such surrender, the petitioner shall be released on bail (if not required to be detained otherwise) on his executing bond for Rs.20,000/- (Rupees Twenty thousand only) with two sureties for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions:- a) Petitioner shall report to the investigating officer who has investigated the case if and when required in connection with the case. b) Petitioner shall not intimidate/influence the witnesses. B.A. NO. 2279 of 2014 3 c) Petitioner shall not, during the period of this bail get involved in any offence. d) In case of violation of any of the above conditions, it is open to the Investigating Officer to seek cancellation of the bail

granted hereby by moving application before the learned JFM, Kasaragod (until committal if any and thereafter before the learned Principal Sessions Judge concerned) as held in P.K. Shaji V. State of Kerala (AIR2006 Supreme Court 100).  
e) It is directed that in case the petitioner does not surrender before the learned JFM, Kasaragod as aforesaid, this order granting bail will cease to be effective on the expiry of the time granted hereby. Sd/- THOMAS P.JOSEPH, JUDGE //true copy// P.A. to Judge Smv

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