

**Riyaz Vs. State of Kerala**

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**Court :** Kerala

**Decided On :** May-28-2014

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

**Appellant :** Riyaz

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 28TH DAY OF MAY 2014 7TH JYAISHTA, 1936 Bail Appl..No. 3341 of 2014 ()  
----- CRIME NO. 268/2014 OF PULIKEEZHU POLICE STATION, PATHANAMTHITTA ----- PETITIONERS/ACCUSED 3 & 4 :  
----- 1. RIYAZ, AGED 20 YEARS S/O.KUNJUMON, SAMEENA MANZIL, PULLIKANAKKU MURI KRISHNAPURAM VILLAGE, ALAPPUZHA.

2. RAFAEK, AGED 23 YEARS S/O.KUNJUMON, SAMEENA MANZIL, PULLIKANAKKU MURI KRISHNAPURAM VILLAGE, ALAPPUZHA. BY ADV. SRI.V.S.SHIRAZ BAVA RESPONDENT/STATE/COMPLAINANT :  
----- STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA. BY PUBLIC PROSECUTOR SRI. C. RASHEED THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28-05-2014, ALONG WITH BA NO. 3350/2014 & BA NO.

3736/2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn  
THOMAS P. JOSEPH, J.

----- Bail Appl. Nos. 3341, 3350 & 3736 of 2014  
----- Dated this the 28th day of May 2014

## ORDER

These applications are preferred by the petitioner/petitioners who are accused in Crime No.268 of 2014 of the Pulikeezhu Police station for the offence punishable under Sec.379 read with Sec.34, Crime No.414 of 2014 of the Mavelikkara Police station for the offence under Sec.392 read with Sec.34 of the IPC and Crime No.403 of 2014 of the Haripad Police station for the offence under Sec.393 of the IPC and Sec.20 read with Sec.27 of the Arms Act. Petitioner/petitioners are in custody from 20.03.2014 and seek bail.

2. I have heard the learned counsel for the petitioner/petitioners and the learned Public Prosecutor. Learned Public Prosecutor has opposed the applications.

3. Some of these cases were registered on the statement given by one of the accused in Crime No.440 of 2014 of the Sasthamcotta Police station. The allegation is Bail Appl. Nos. 3341, 3350 & 3736 of 2014 2 that the petitioner/petitioners and others either committed robbery or theft. Having heard both sides and considering the fact that the petitioner/petitioners are in custody from 20.03.2014, I have granted bail to them in the connected cases. I am inclined to think that further custody of the petitioner/petitioners is not required in these cases also. Hence, I am inclined to grant bail to the petitioner/petitioners but subject to conditions to prevent recurrence of such incidents in future. The applications are allowed as under. I. Petitioner/petitioners are granted bail in the following cases. a) Crime No.268 of 2014 of the Pulikeezhu Police station. b) Crime No.414 of 2014 of the Mavelikkara Police station. c) Crime No.403 of 2014 of the Haripad Police station. II. Petitioner/petitioners concerned shall be released in the aforesaid crime Bail Appl. Nos. 3341, 3350 & 3736 of 2014 3 cases on their/his executing bonds for `30,000/- (Rupees Thirty Thousand Only) each with two sureties each for the like sum each to the satisfaction of the jurisdictional

magistrates concerned and subject to the following conditions: (a) One of the sureties shall be a close relative of the Petitioner/petitioners. (b) Petitioner/petitioners shall report to the officers investigating the respective crime cases as and when required for interrogation. (c) Petitioner/petitioners shall not, during the period of this bail get involved in any offence. (d) Petitioner/petitioners shall not intimidate or influence the witnesses. Bail Appl. Nos. 3341, 3350 & 3736 of 2014 4 (e) In case of violation of any of condition Nos.(b) to (d), bail granted hereby is liable to be cancelled by moving application before the magistrates concerned as held in P.K Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH JUDGE /True Copy / NS P.A. To Judge

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