

**Anas Vs. State of Kerala**

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**Court :** Kerala

**Decided On :** May-30-2014

**Judge :** Honourable Mr.Justice N.K.Balakrishnan

**Appellant :** Anas

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN FRIDAY, THE 30<sup>H</sup> DAY OF MAY 2014 9<sup>TH</sup> JYAISHTA, 1936 Bail Appl..No. 3734 of 2014 (B) ----- AGAINST THE

ORDER

IN CMP41532014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, NEDUMANGAD DATED 21-05-2014 CRIME NO. 514/2014 OF PALODE POLICE STATION , THIRUVANANTHAPURAM PETITIONER(S)/IST ACCUSED: ----- ANAS, AGED 22 YEARS S/O ABDUL VAHITH, OTTATHIL VADAKKATHIL VEEDU CHAKIRIKKADA, NEAR OTTATHILNADA TEMPLE, PANCHIMUKKU VALATHUNKAL VILAGE, KOLLAM DISTRICT BY ADV. SRI.GEORGE SEBASTIAN RESPONDENT(S)/COMPLAINANT: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM 68203 ADDITIONAL R2 2. NAVAS, S/O.

ABDUL AZEEZ, THADATHARIKATHU VEEDU, MANJAPPARA,  
PERINGAMMALA VILLAGE, THIRUVANANTHAPURAM ADDITIONAL R2  
IMPLEADED AS PER

ORDER

IN CRL.M.A.4910/2014 DT.30.5.2014 RADDL.2 BY ADV. SRI.EBY P.PAUL R1  
BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION  
HAVING COME UP FOR ADMISSION ON3005-2014, THE COURT ON THE  
SAME DAY PASSED THE FOLLOWING: JJJ N.K. BALAKRISHNAN, J.

----- B.A. No. 3734 of 2014  
----- Dated this the 30th day of May, 2014

ORDER

The petitioner is the 1st accused in Crime No.514/2014 of Palode Police Station,  
Thiruvananthapuram District. Offences alleged are under sections 363 and 366 r/w  
34 of IPC.

2. The petitioner has been in custody since 20.05.2014.
3. It is alleged that on 15.5.2014 at 10.20 am the petitioner kidnapped the minor daughter of the defacto complainant in a car and took her to various places.
4. The defacto complainant (father of the minor girl) is represented in this court by his counsel.
5. The learned counsel for the petitioner submits that even going by the statement given by the complainant it can be seen that she wanted to go to the house of her near B.A. No. 3734/2014 -2- relative as there was some problem in her house and as requested, she was taken to that house. Accused nos.2 and 3 only helped A1 to take that girl to the house of her near relative, it is submitted. There was no allegation that the petitioner or other accused persons did any sexual act. The learned counsel also submits that it could be found that there was no malicious intention on the part of the accused.

6. Considering the period of detention already undergone by the petitioner and in view of the submission made on behalf of the petitioner that he will abide by any condition that may be imposed on him, the petitioner is granted bail subject to the following conditions: (i) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate. If in case the Magistrate has any doubt about the genuineness or correctness of the tax B.A. No. 3734/2014 -3- receipts produced by the sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds of the sureties. (ii) The petitioner shall make himself available for interrogation by the Investigating Officer and shall appear before the Investigating Officer on all Mondays between 9.30 AM to 11.30 AM until further orders. (iii) The petitioner shall surrender his original passport before the learned Magistrate. If he is not having any valid passport, he should file an affidavit regarding the same before the Magistrate. (iv) The petitioner will also file an affidavit that he will abide by all the conditions as mentioned above and that he will not commit any offence similar to the offence involved in this case and will not directly or indirectly make any B.A. No. 3734/2014 -4- inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence. (v) The petitioner shall not leave India without the prior permission of the learned Magistrate. (vi) The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc. The passport will be produced and/or the affidavit mentioned earlier will be filed within 10 days from the date of release from jail. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to Judge jjj

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