

Majeed @ Abdul Majeed Vs. State of Kerala

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Court : Kerala

Decided On : Jul-11-2014

Judge : Honourable Mr. Justice K.Abraham Mathew

Appellant : Majeed @ Abdul Majeed

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW FRIDAY, THE 11TH DAY OF JULY 2014 20TH ASHADHA, 1936 Bail Appl..No. 5081 of 2014 ----- CRIME NO. 1729/2014 OF KAYAMKULAM POLICE STATION , ALAPPUZHA DISTRICT ----- PETITIONERS / ACCUSED : ----- 1. MAJEED @ ABDUL MAJEED, AGED 48 YEARS, S/O.ABDULRAHMAN KUNJU, KUTTEETHARAYIL, PERUNGALA P.O., KAYAMKULAM, ALAPPUZHA.

2. SHAJI, AGED 38 YEARS, S/O.ABDULRAHMAN KUNJU, SHALIYA MNAZIL, PERUNGALA P.O., KAYAMKULAM. BY ADV. SMT.V.P.SATHI RESPONDENT / RESPONDENT : ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.C.RASHEED THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11-07-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Msd. K. ABRAHAM

MATHEW, J.

----- B.A. No.5081 of 2014 -----

- - Dated this the 11th day of July, 2014

ORDER

Petition filed under Section 438 Cr.P.C. The petitioners are accused Nos.1 and 2 in crime No.1729/2014 of Kayamkulam Police Station, which has been registered for the offences under Sections 294 (b), 323, 354, 427, 447 and 34 IPC.

2. The allegation against them is that they trespassed into the house of the first informant, uttered obscene words, outraged her modesty, assaulted her and committed mischief. It is submitted that the mother of the first informant runs a money lending business without any authority and the brother of the petitioners borrowed from her about Rs.1 lakh giving signed blank cheques and signed blank stamp papers as security. It is further alleged that there were disputes over the transactions and this is a false case got registered on account of that enmity.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. It is not in dispute that there is no evidence to B.A. No.5081 of 2014 -2- show that the first informant sustained any external injury. The offences alleged to have been committed by the petitioners are very minor in nature. Their custodial interrogation is not necessary for effective investigation. So they are entitled to be released if they are arrested by the police. In the result, this application is allowed.

1) The petitioners shall be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

2) They shall appear before the Investigating Officer for interrogation if they are so required by him in writing. 3) They shall not destroy or tamper with evidence. 4)

They shall not harass the defacto complainant or her relatives. 5) This order is not applicable if the petitioners choose B.A. No.5081 of 2014 -3- to surrender before the Magistrate concerned and in such case the learned Magistrate may take appropriate action in accordance with the law. Sd/- K. ABRAHAM MATHEW

JUDGE //True copy// P.A. TO JUDGE shg/

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