

**Shafeer, vs State of Kerala,**

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**SooperKanoon Citation :** [sooperkanoon.com/1353274](https://sooperkanoon.com/1353274)

**Court :** Kerala

**Decided On :** Apr-28-2023

**Judge :** Honourable Mr.Justice Ziyad Rahman a.a.

**Appeal No. :** Bail Appl./2880/2023

**Appellant :** Shafeer,

**Respondent :** State of Kerala,

**Judgement :**

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.  
FRIDAY, THE 28TH DAY OF APRIL 2023 / 8TH VAISAKHA, 1945 BAIL  
APPL. NO. 2880 OF 2023 CRIME NO.109/2023 OF ALAPPUZHA  
SOUTH POLICE STATION PETITIONER/S: SHAFEER, AGED 26  
YEARS S/O HASSAN K C, CHOLAKKARA HOUSE, AROOR,  
OLAVATTOOR P O, KONDOTTY, MALAPPURAM, PIN - 673638 BY  
ADVS. SOHAIL MOHAMMED ANSARY AMEENA.R RESPONDENT:  
STATE OF KERALA, REPRESENTED BY THE S.H.O, ALAPPUZHA  
SOUTH POLICE STATION, REPRESENTED BY PUBLIC  
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN -

682031 BY SMT.SEETHA.S.-SR.PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BA 2880 OF 2023 2

## **ORDER**

The petitioner is the 3rd accused in Crime No.109/2023 of Alappuzha South Police Station. The offences alleged against the petitioner are punishable under Section 324 r/w Section 34 of IPC and also under Section 75 of the Juvenile Justice (Care and Protection of Children) Act.

2. The prosecution case is that, the de facto complainant, a boy aged

15 years, studying in 9th standard in the Model High School at Puthiyangadi, was assaulted by the petitioner using a cane. The crime was registered in such circumstances and as the petitioner apprehends arrest, this application for anticipatory bail was filed.

3. Heard Sri.Sohail Mohammed Ansary, the learned counsel appearing for the petitioner and Smt.Seetha.S, the learned Senior Government Pleader for the respondent.

4. The learned counsel for the petitioner submits that the petitioner is

innocent of all the allegations. The petitioner is a teacher in the Madrassa and even as per the allegations he had beaten the child with a cane as he was not performing well in his studies.

5. On the other hand, the learned Public Prosecutor would oppose the BA 2880 OF 2023 3 application for bail by pointing out that the investigation is in progress.

6. I have gone through the records. It is discernible from the records

that no serious injuries were sustained by the victim. From the nature of the allegations levelled against the petitioner and the facts and circumstances as is revealed from the materials on record, I do not find any necessity of custodial

interrogation of the petitioner. Hence, I am of the view that the interest of justice would be served if the co-operation of the petitioner with the investigation is ensured. In such circumstances, this application is disposed of with the following conditions;

- i) The petitioner shall surrender before the Investigating Officer, within a period of two weeks from today, for subjecting himself to interrogation. ii) After interrogation, the petitioner shall be released on bail on the very same day of surrender upon the petitioner executing a bond for Rs 1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum, to the satisfaction of the Investigating Officer iii) The petitioner shall fully co-operate with the investigation, including subjecting himself to the deemed police custody for the purpose of recovery, if any, as and when demanded. iv) The petitioner shall appear before the Investigating

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Officer between 10.00 a.m and 11.00 a.m every Saturday until the filing of the final report. v) The petitioner shall appear before the Investigating Officer as and when required. vi) The petitioner shall not commit any offence of similar nature while on bail. vii) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation. viii) The petitioner shall not leave the State of Kerala without the permission of the Jurisdictional Court. In case of violation of any of the above conditions, the jurisdictional

Court shall be empowered to consider the application for cancellation of bail, if any, and pass appropriate orders in accordance with the law. Sd/- ZIYAD RAHMAN A.A JUDGE ab