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Shereef vs State of Kerala

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Court : Kerala

Decided On : Jul-31-2023

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

Appeal No. : Bail Appl./5916/2023

Appellant : Shereef

Respondent : State of Kerala

Judgement :

B.A.No.5916/2023 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A. MONDAY, THE 31ST DAY OF JULY 2023 / 9TH SRAVANA, 1945 BAIL APPL. NO. 5916 OF 2023 CRIME NO. 90/2023 OF VADAKKEKAD POLICE STATION, THRISSUR PETITIONER: SHEREEF AGED 64 YEARS S/O MUHAMMADALI, PATTATHUVALAPPIL HOUSE, AGALAD DESOM AND P.O., PUNNAYOOR VILLAGE,CHAVKKAD TALUK, THRISSUR, PIN - 680518 BY ADVS. SANTHOSH MATHEW KARTHIK RAJAGOPAL ARUN THOMAS ANIL SEBASTIAN PULICKEL VEENA RAVEENDRAN ABI BENNY AREECKAL MATHEW NEVIN THOMAS KURIAN ANTONY MATHEW

RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 BY SRI. C. S. HRITHWIK, SENIOR PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.5916/2023 2

ORDER

This is an application filed u/s 439 of the Code of Criminal Procedure seeking regular bail.

2. The petitioner is the accused in Crime No.90 of 2023 of Vadakkekad Police Station, Thrissur which was registered for the offences punishable under Sections 342, 436 and 307 of the Indian Penal Code.

3. The prosecution case is that, on 02.02.2023 at 02.00

hours, the accused set fire to the ceiling of the house of the defacto complainant and his mother, and thereby committed the offences. The defacto complainant is none other than the son of the petitioner.

4. The crime was registered in such circumstances, and

as part of the investigation, the petitioner was arrested on 03.06.2023. Since then, the petitioner has been under judicial detention. This application for regular bail was submitted in such circumstances.

5. Heard Sri. Karthik Rajagopal, learned counsel B.A.No.5916/2023 3 appearing for the petitioner and Sri. C.S. Hrithwik, the learned Senior Public Prosecutor appearing for the State.

6. I have carefully gone through the records. It is true

that there are certain allegations and materials against the petitioner. However, it is a fact that the petitioner has been in judicial custody since 03.06.2023. No criminal antecedents of the petitioner has also been brought to my notice. There is substantial progress in the investigation.

7. In such circumstances, when taking note of the period

of detention the petitioner has undergone, and the stage of investigation, I do not find any necessity of further incarceration. Accordingly, this bail application is allowed and the petitioner is directed to be released on bail subject to the following conditions:

(i) The petitioner shall be released on bail on executing a bond for Rs. 1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Court.

(ii) The petitioner shall fully cooperate with the investigation. B.A.No.5916/2023 4

(iii) The petitioner shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Wednesday until the filing of final report.

(iv) The petitioner shall also appear before the investigating officer as and when required.

(v) The petitioner shall not commit any offence of similar nature while on bail.

(vi) 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.

(vii) The petitioner shall not leave India without the permission of the trial 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 DCS/31.07.2023

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