

Abdul Muneer vs State of Kerala

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Court : Kerala

Decided On : Jul-27-2023

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./6114/2023

Appellant : Abdul Muneer

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
THURSDAY, THE 27TH DAY OF JULY 2023 / 5TH SRAVANA, 1945
CRIME NO.872/2022 OF Taliparamba Police Station, Kannur
PETITIONER/S/ACCUSED No.1: ABDUL MUNEER.E AGED 33 YEARS
S/O FATHIMA.E, ENDUKKAN HOUSE, HABEEB NAGAR,
TALIPARAMBA.P.O, TALIPARAMBA AMSOM, TALIPARAMBA TALUK,
KANNUR DISTRICT., PIN - 670141 BY ADVS. B.MUHAMMED
SHAHEEL R.N.SANDEEP KEERTHI VIJAYAN
RESPONDENT/S/STATE: STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031
PUBLIC PROSECUTOR, SMT.SREEJA.V. THIS BAIL APPLICATION

HAVING COME UP FOR ADMISSION ON 27.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 27th day of July, 2023 This application is filed u/s 439 of the Code of Criminal Procedure seeking regular bail.

2. The applicant is the accused No.1 in Crime

No.872/2022 of Taliparamba Police Station, Kannur. The offences alleged are punishable under Sections 342, 343, 346, 347, 364A, 365 and 506(i) read with Section 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the son of

the complainant, Suhair and his colleagues namely Lijo, Ashir and Adhinan, who are working as the staffs of one Abinas, who had some financial dealing with accused No.1, were wrongfully confined by the accused in a room at Sneha Inn Bar from 10 PM on 23.07.2022 and on the next day morning by 5 AM, they were abducted and wrongfully confined at different places and demanded to return back the money which accused No.1 has invested in the online trading business conducted by above Abinas and assaulted them and intimidated them to do away. Hence the accused has committed above said offences.

4. I have heard Sri.B.Muhammed Shaheel, the learned counsel for the applicant and Smt. Sreeja.V., the learned Senior Public Prosecutor. Perused the case diary.

5. The learned counsel for the applicant submitted

that the applicant is innocent and has been falsely implicated in the present case. The counsel further submitted that no materials are on record to connect the applicant with the alleged crime; hence, he is entitled to get bail. On the other hand, the learned Public Prosecutor submitted that the alleged incident occurred as a part of the intentional criminal acts of the applicant, and he is not entitled to bail at this stage.

6. The applicant was remanded to judicial custody on 13.07.2023. The investigation is almost over. The

applicant has no criminal antecedents. Moreover, Annexure-A6 affidavit shows that the matter has been settled between the defacto complainant and the accused and the defacto complainant has no further grievance. For all these reasons, I do not find any reason to hold that the continued detention of the applicant is required for any purpose. Hence, the applicant is entitled to be released on bail.

In the result, the application is allowed on the following conditions: -

(i) The applicant 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 Magistrate/Court.

(ii) The applicant shall fully co-operate with the investigation.

(iii) The applicant shall appear before the investigating officer between 10.00 a.m and 11.00 a.m. on every Saturday until further orders. He shall also appear before the investigating officer as and when required.

(iv) The applicant shall not commit any offence of a like nature while on bail.

(v) The applicant shall not 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.

(vi) The applicant shall not leave the State of Kerala without the permission of the trial Court.

(vii) The application, if any, for deletion/modification of the

bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court. Sd/- DR. KAUSER EDAPPAGATH JUDGE

RK APPENDIX OF BAIL APPL. 6114/2023 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE ORDER DATED 19.07.2023 IN CMP 5867/2023 PASSED BY THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT, TALIPARAMBA Annexure A2 THE TRUE COPY OF THE FIR IN CRIME. NO. KANNUR DISTRICT Annexure A3 THE TRUE COPY OF THE ORDER DATED 22.08.2022 IN BA 6496/2022 Annexure A4 THE TRUE COPY OF THE ORDER DATED 16.08.2022 IN BA 6193/2022 Annexure A5 THE TRUE COPY OF THE ORDER DATED 23.08.2022 IN BA 6510/2022 Annexure A6 THE TRUE COPY OF THE AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT/RESPONDENT NO.2 IN CRL.M.C 8544/2022

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