

Abbas vs State of Kerala

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Court : Kerala

Decided On : Sep-30-2023

Judge : Honourable Mr.Justice Mohammed Nias C.P.

Appeal No. : Bail Appl./7932/2023

Appellant : ABBAS

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
SATURDAY, THE 30TH DAY OF SEPTEMBER 2023 / 8TH ASWINA,
1945 BAIL APPL. NO. 7932 OF 2023 CRIME NO.498 OF 2023 OF
ERUMAPETTY POLICE STATION, THRISSUR
PETITIONER/ACCUSED: ABBAS , AGED 32 YEARS,
S/O.MUHAMMED, AMBALATH HOUSE, ADHOOR DESOM, IYYAL
VILLAGE, THRISSUR, KERALA, PIN - 680501 BY ADV SARATH BABU
KOTTAKKAL

RESPONDENT/COMPLAINANT & STATE: STATE OF KERALA REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031
SRI.P.G.MANU(MAMALASSERY) THIS BAIL APPLICATION HAVING COME UP

FOR ADMISSION ON 30.09.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: MOHAMMED NIAS C.P.J
..... Dated this the 30th
day of September, 2023

ORDER

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail.

2. The petitioner is the accused in Crime No.498/2023 of Erumapetty

Police Station, Thrissur District, for having committed offences punishable under Section 15(4) r/w 19 of the Kerala Anti-Social Activities (Prevention) Act (KAAPA), 2007.

3. The allegation against the petitioner is that on 02.08.2023 at about

1.55 p.m., the accused was found in Kunnamkulam Taluk, which is violative of the externment order dated 13.10.2022, wherein the accused was restricted from his entry to Thrissur district from 13.10.2023 to 20.10.2023, and thereby committed the above offence.

4. The learned counsel appearing for the petitioner would say that the petitioner is innocent and falsely implicated with ulterior motives. At any rate, he points out that the petitioner has been in custody since

5. The learned public prosecutor opposed the petition.

6. After having considered the submissions of the learned counsel for

the petitioner and learned Public Prosecutor and considering the fact that the petitioner had gone for treatment at Thrissur Medical College following an accident, which is evidenced by Annexures A3 and A4 and that he has been in custody since 02/08/2023, that no apprehension being raised by the prosecution that if released on bail the petitioner is likely to abscond, I am inclined to grant bail under such circumstances. Accordingly, this application is allowed, and the

petitioner is granted bail subject to the following conditions:-

1. The petitioner shall be released on bail on executing a bond for Rs.50000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court;
 2. He shall appear before the Investigating Officer on all Saturdays between 9 a.m. and 11 a.m. for three months or as and when directed to appear.
 3. He shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence or do anything that might adversely affect the trial;
 4. He shall not commit any offence while on bail;
 5. He shall not leave the State of Kerala without the permission of the Court having jurisdiction;
 6. He shall not leave India without the permission of the jurisdictional Court and, if he has a passport, shall deposit the same before the Trial Court within a week. If the release of the passport is required at a later period, the petitioner shall be at liberty to move an appropriate application for the same before the Court having jurisdiction.
 7. The petitioner shall not be involved in any other crime while on bail and shall not violate any directions/orders issued under the provisions of the Kerala Anti-Social Activities (Prevention) Act (KAAPA), 2007.
 8. He shall furnish his present address and his mobile number to the Court concerned and the investigating officer.
 9. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation of bail and pass appropriate orders in accordance with law.
- Sd/- MOHAMMED NIAS C.P. JUDGE
dlk 30.9.2023 APPENDIX OF BAIL APPL. 7932/2023 PETITIONER'S ANNEXURES

Annexure A1

THE TRUE PHOTOCOPY OF THE ORDER IN CRL.M.PAN

OF THE PETITIONER FROM THE NEW MEDICAL COLLEGE HOSPITAL,
THRISSUR DATED 23.06.2023 Annexure A4 THE TRUE PHOTOCOPY OF THE
OUTPATIENT REGISTRATION CARD OF THE PETITIONER FROM THE NEW
MEDICAL COLLEGE HOSPITAL, THRISSUR DATED 31.07.2023 Annexure A5
THE TRUE PHOTOCOPY OF THE PHOTOGRAPHS OF THE PETITIONER'S
INJURY

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