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**Anoop vs State of Kerala**

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**SooperKanoon Citation** : sooperkanoon.com/1409118

**Court** : Kerala

**Decided On :** Dec-26-2023

**Judge** : Honourable Mr.Justice P.G. Ajithkumar

**Appeal No.** : Bail Appl./10725/2023

**Appellant** : ANOOP

**Respondent** : State of Kerala

**Judgement** :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR TUESDAY, THE 26TH DAY OF DECEMBER 2023 / 5TH POUSHA, 1945 CRIME NO.1534/2023 OF Perumbavoor Police Station, Ernakulam AGAINST THE ORDER/JUDGMENT CRMC 3136/2023 OF DISTRICT COURT & SESSIONS COURT, ERNAKULAM PETITIONER/ACCUSED :- ANOOP, AGED 33 YEARS S/ORAHIM, PUTHENPARAMBIL HOUSE, NADUVILATHATTU BHAGHAM, MANJALI KARA, KARUMALLOR VILLAGE, ERNAKULAM DISTRICT, PIN - 683511 BY ADVS. SANTHOSH KUMAR V.P. SAJEEVAN KURUKKUTTIYULLATHIL VISHNU PRABHAKAR V.S. AKSHAY SHYLESH ADWAITHA UDAYAN SUMODH M. RESPONDENTS/COMPLAINANT :- STATE OF KERALA

REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 BY SMT. SEETHA. S, SR.PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.G. AJITHKUMAR, J.**

---------- B.A.No. 10725 of 2023
---------- Dated this the 26th day of December, 2023

## ORDER

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

2. The petitioner is the 3rd accused in Crime No.1534 of 2023 of Perumbavoor Police Station. The offences alleged are punishable under Sections 511 of 364A and 395 of the Indian Penal Code.

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

4. The prosecution allegation is on 07.10.2023 at about 3.00 pm,

the petitioner along with the remaining accused forcibly attempted to abduct the defacto complainant by taking him in a car and threatened him with the intention of extorting money. It is further alleged that the applicants and other accused obtained Rs.1 lakh from him and forcibly got executed a sale letter of Innova Car of the defacto complainant in favour of the accused No.1.

5. The petitioner would contend that he did not involve in the

alleged crime and without any material or evidence, he has been implicated in the crime. He is innocent. The investigation in the matter has been progressed considerably and there is no reason or justification for his further detention.

6. The Sub Inspector of Police, Perumbavoor Police Station has submitted a report, through the learned Public Prosecutor, objecting the grant of bail to the petitioner.

7. Going by the allegations in the First Information Statement and

also the materials available on record, it is seen that the petitioner had aided the first accused in getting the questionable document executed. Accused Nos.1, 2 5 and 65 have already been granted bail by this Court. The petitioner has been in custody since 10.10.2023. The investigation is at its fag end.

8. Considering the aforesaid aspects, I am of the view that the

further detention of the petitioner is unnecessary. He is therefore entitled to be released on bail subject to conidtions. In the result, the bail application is allowed and the petitioner is granted bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only), with two solvent sureties for the like amount each, to the satisfaction of the learned Magistrate, subject to the following conditions:

(i) He shall not influence or intimidate witnesses or tamper with evidence;

(ii) He shall appear before the investigating officer as and when called for; and

(iii) During the bail period, he shall not get involved in any

offence. In case of breach of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court. Sd/- P.G. AJITHKUMAR, JUDGE SMA APPENDIX OF BAIL APPL. 10725/2023 PETITIONER ANNEXURES :- Annexure A1 THE COPY OF THE ORDER IN CRL.M C 3136/23 DISMISSED ON 04/11/2023 OF HON'BLE PRINCIPAL DISTRICT AND SESSIONS COURT, ERNAKULAM Annexure A2 A COPY OF FIR IN CRIME NO. 1534 OF 2023 OF

PERUMBAVUR POLICE STATION IN ERNAKULAM RURAL DOWNLOADED FROM THE WEBSITE OF KERALA POLICE DATED 10/10/2023

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