

Shefeeque and ors. Vs. State of Kerala

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SooperKanoon Citation : sooperkanoon.com/907433

Court : Kerala

Decided On : Oct-26-2010

Judge : V. Ramkumar, J.

Acts : Indian Penal Code (IPC) - Sections 447, 341, 323, 324, 354 and 326 read with 34

Appeal No. : B.A. No. 6628 of 2010

Appellant : Shefeeque and ors.

Respondent : State of Kerala

Advocate for Pet/Ap. : SRI.ALAN PAPALI, Adv.

Judgement :

O R D E R

V. RAMKUMAR, J.

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B.A. No. 6628 of 2010

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Dated: 26th day of October, 2010

ORDER

1. Petitioners, who are accused Nos. 1 to 4 in Crime No.1081/2010 of Pathanapuram Police Station for offences punishable under Sections 447, 341, 323, 324, 354 and 326 read with 34 IPC, seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer for the purpose of interrogation and then to have their application for bail considered by the Magistrate having jurisdiction. Accordingly, the petitioners shall surrender before the investigating officer on 11.11.2010 or on 12.11.2010 for the purpose of interrogation and recovery of incriminating material, if any. After interrogation, petitioners shall be produced before the Magistrate concerned who on being convinced that the petitioners have been interrogated by the police, shall release the petitioners on bail on each of them executing a bond for Rs.15,000/- (Rupees fifteen thousand only) with two solvent sureties each for the like amount to the satisfaction of the Magistrate and subject to the following conditions:-

1. The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.
2. The petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the Investigating Officer.
3. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
4. The petitioners shall not commit any offence while on bail.
5. If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This petition is disposed of as above.