

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 25TH DAY OF APRIL 2014/5TH VAISAKHA, 1936

Bail Appl..No. 2590 of 2014 ()

CRIME NO. 195/2014 OF KOZHINJAMPARA POLICE STATION, PALAKKAD DIST.

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PETITIONER/1ST ACCUSED:

ABDUL HAKEEM,
S/O.SULAIMAN RAWTHER, AGED 38 YEARS,
ATHIKODE, KOZHINJAMPARA VILLAGE,
CHITTUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN.

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
(REPRESENTING S.I. OF POLICE,
KOZHINJAMPARA POLICE STATION),
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR MR.ABHIJETT LESSLI.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-04-2014, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

A.M.SHAFFIQUE, J

B.A.No.2590 of 2014

Dated this the 25th day of April 2014

ORDER

Petitioner is the first accused in Crime No.195 of 2014 of Kozhinjampara police station. The offences alleged are under Sections 120(b), 417 and 420 I.P.C. The crime came to be registered on the basis of a private complaint filed by the de facto complainant. It is alleged in the complaint that while the complainant and the 3rd accused were jointly conducting certain business, the third accused took away the vehicle bearing Registration No.KL-41/A 1964 and also the original Registration Certificate and other documents. When the complainant demanded the vehicle back, he was informed that he has given the vehicle to the 1st accused for rent by the 2nd accused. According to the complainant, 1st accused was using the vehicle.

2. Learned Public Prosecutor, however, would oppose the bail application and submits that this is a case involving

a crime with reference to a vehicle and therefore no anticipatory bail should be granted. However, it is submitted that the petitioner has approached the learned Sessions Court and an order has been passed on 01/04/2014 granting anticipatory bail on certain conditions.

3. Learned counsel for the petitioner, however, submits that though certain conditions had been imposed by the learned Sessions Court for granting bail, there is a reference in the order dated 01/04/2014 inter alia stating that on appearance, if the investigating officer feels that the petitioner can be arrested, he is free to arrest the petitioner, effect recovery and also to produce him before the learned Magistrate.

4. The apprehension expressed by the learned counsel for the petitioner is that if he appears before the investigating officer, he will be arrested and detained until the entire recovery is effected. I do not think so. Since the petitioner is already granted anticipatory bail on certain

conditions, the police is bound to comply with the same. In so far as there is an apprehension in the mind of the petitioner that he will be unnecessarily detained in prison, I am of the view that appropriate clarification can be made with reference to Annexure A1 order.

5. Accordingly it is made clear that if the petitioner is arrested, he shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties as directed by the Sessions Court. It is also made clear that if the investigating officer requires the custodial interrogation of the petitioner, it shall be open for the investigating officer to seek necessary orders from the learned Magistrate. All the other conditions specified in Annexure A1 order shall remain the same.

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

