

Kerala High Court

Rafeek vs State Of Kerala on 27 October, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 7988 of 2008()

1. RAFEEL,S/O. ABBAS, AMBALATH VEETIL
... Petitioner

Vs

1. STATE OF KERALA, REPRESENTED
... Respondent

For Petitioner :SRI.RAJIT

For Respondent :PUBLIC PROSECUTOR

The Hon'ble MR. Justice K.T.SANKARAN

Dated :27/10/2009

O R D E R

K.T.SANKARAN, J.

B.A.No.7988 of 2008

Dated this the 27th day of October, 2009

ORDER

This is an application for anticipatory bail under Section 438 of the Code of Criminal Procedure. The petitioner is the accused in Crime No.825 of 2008 of Vatanappilly Police Station.

2. The offence alleged against the petitioner is under Section 420 of the Indian Penal Code.

3. When the Bail Application came up for hearing on 14th October 2009, the following order was passed:

"After having heard the learned counsel for the petitioner and the learned Public Prosecutor, I am of the view that before disposing of the Bail Application, an opportunity should be given to the petitioner to appear before the investigating officer. Accordingly, there will be a direction to the petitioner to appear before the investigating officer at 9 A.M. on 20.10.2009 and 21.10.2009.

Post on 27.10.2009.

It is submitted by the learned Public Prosecutor that the petitioner will not be arrested until further orders in connection with Crime No.825 of 2008 of Vatanappilly Police Station."

4. The learned counsel for the petitioner and the learned Public Prosecutor submitted that the petitioner has complied with the direction in the order dated 14th October 2009.

5. Taking into account the facts and circumstances of the case, the nature of the offence and other circumstances, I am of the view that anticipatory bail can be granted to the petitioner.

There will be a direction that in the event of the arrest of the petitioner, the officer in charge of the police station shall release him on bail on his executing bond for Rs.10,000/- with two solvent sureties for the like amount to the satisfaction of the officer concerned, subject to the following conditions:

- a) The petitioner shall appear before the investigating officer for interrogation as and when required;
- b) The petitioner shall not try to influence the prosecution witnesses or tamper with the evidence;
- c) The petitioner shall not commit any offence or indulge in any prejudicial activity while on bail;
- d) In case of breach of any of the conditions mentioned above, the bail shall be liable to be cancelled. The Bail Application is allowed to the extent indicated above.

K.T.SANKARAN, JUDGE csl K.T.SANKARAN, J.

B.A.No.7988 of 2009

----- Dated this the 14th day of October, 2009 ORDER After having heard the learned counsel for the petitioner and the learned Public Prosecutor, I am of the view that before disposing of the Bail Application, an opportunity should be given to the petitioner to appear before the investigating officer. Accordingly, there will be a direction to the petitioner to appear before the investigating officer at 9 A.M. on 20.10.2009 and 21.10.2009.

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It is submitted by the learned Public Prosecutor that the petitioner will not be arrested until further orders in connection with Crime No.825 of 2008 of Vatanappilly Police Station.

K.T.SANKARAN, JUDGE csl Hand over copy to both sides.