

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

TUESDAY, THE 31ST DAY OF DECEMBER 2019 / 10TH POUSHA,  
1941

Bail Appl..No.9361 OF 2019

AGAINST THE ORDER/JUDGMENT IN CRMC 1638/2019 DATED 29-10-  
2019 OF DISTRICT COURT & SESSIONS COURT, THALASSERY

CRIME NO.337/2019 OF CHAKKARAKKAL POLICE STATION, KANNUR

PETITIONER/ACCUSED NO.1:

ISMAIL K.C  
AGED 31 YEARS  
S/O. MUSTHAF, ZEENATH MANZIL, POST IRIVERI  
MOWANCHERY, KANNUR DISTRICT 670 613.

BY ADVS.  
SMT.BINDUMOL JOSEPH  
SRI.B.S.SYAMANTHAK  
SHRI.SRIVIDYA K

RESPONDENT/COMPLAINANT:

STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT  
OF KERALA, ERNAKULAM 682 031.

SMT.SREEJA.V., PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 31.12.2019, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

## **ORDER**

**Dated this the 31<sup>st</sup> day of December, 2019**

The petitioner is the first accused in Crime No. 337/2019 of Chakkarakkal Police Station, for having allegedly committed offences punishable under Sections 143, 147, 148, 451, 365, 342, 323 and 324 read with Section 149 IPC along with another 6 accused.

2. All the other accused have been either arrested and produced before the court and released on bail or have been granted anticipatory bail by the Sessions Court. The anticipatory bail application filed by the petitioner was however rejected by the Sessions Court vide order at Annexure -A1. The reasons for his bail being rejected was that he is the main accused who was instrumental in commission of the offence and other accused had negligible roles to play.

3. The petitioner does not have any criminal antecedents. His custodial interrogation does not appear to be essential for the purpose of investigation. May be true that he had played the pivotal role in the kidnapping and the other allegations made against the accused. Nevertheless his role cannot be given undue importance in exception to the other accused. The petitioner is

willing to cooperate with the investigation. There is no apprehension that he will abscond.

4. Under the circumstances, the petition is allowed. If he is directed to surrender before the investigating officer within a period of two weeks and in the event of the petitioner being arrested he shall be released on bail on execution of bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the Investigating Officer and he shall co-operate with Investigating Officer and shall appear before the Investigating Officer as and when called for. He shall not intimidate or influence witnesses and shall not get involved any similar crimes during the pendency of the bail.

In the event of any breach of any of the bail conditions the prosecution shall be at liberty to apply for cancellation of the bail before the Jurisdictional Magistrate.

Sd/-

**ASHOK MENON**

**JUDGE**

rpk