
Ansar Vs State Of Kerala

Bail Appl. No. 4053 Of 2021

Court: High Court Of Kerala

Date of Decision: July 5, 2021

Acts Referred:

Code of Criminal Procedure, 1973 " Section 439#Indian Penal Code, 1860 " Section 120B, 363, 395, 412, 465

Hon'ble Judges: K. Haripal, J

Bench: Single Bench

Advocate: V.A.Vinod, Santhosh Peter

Final Decision: Allowed

Judgement

K.Haripal, J

1. These are applications filed under Sections 439 of the Cr.P.C, by accused Nos. 2 and 3 respectively in Crime No. 415/2021 of Mangalapuram

Police Station, Thiruvananthapuram. The alleged incident had happend on 09.04.2021 at 8.00 p.m. While the defacto complainant and his brother-in-

law were travelling in a car bearing registration No. KL 01 CF 5781 from Trivandrum to Attingal direction, accused 1 to 6 obstructed the vehicle.

Thereafter the 1st accused had broken the window glasses of the vehicle using a chopper and the 2nd accused, the petitioner in the Bail Application

No. 3740/2021 threw chilli powder into the eyes of the defacto complainant. Thus, the accused No. 1 to 6 committed the offence punishable under

Sections 465, 395, 412 and 363 of I.P.C. Eventhough, accused Nos. 7 to 12 were not in the scene, they were also a part of a criminal conspiracy

hatched. Thus offence under Sections 120(B) of the I.P.C. also is alleged against them. In the incident, gold ornaments kept in the car besides cash

Rs. 36 lakhs were robbed and thus the crime was registered and both the petitioners were arrested on 17-04-2021 and since then they are in judicial

custody.

2.Ã, The learned counsel for the petitioners submit that the investigation has progressed. They do not have any criminal antecedents to their credit.

The learned Public Prosecutor submitted that while all the 12 accused have been arrested, the recoveries have been effected and that other accused

are probably on bail. In the circumstances and having regarded to the fact that the petitioners do not have any criminal antecedents, for the present

purpose, their continued detention is not necessary.

Therefore, the petitioners shall be released on bail on the following conditions:-

i)Ã, Petitioners shall execute bond for Rs.50,000/- (Rupees Fifty Thousand only) each with two solvent sureties each for the like sum to the satisfaction of the

jurisdictional Court;

ii)Ã, They shall not try to contact or influence the witnesses or tamper with evidence.,

lii) They shall not leave the country without permission of the jurisdictional court;

iv)Ã, They shall not involve in any crime during the period on bail;

v)Ã, Petitioners shall appear before the Investigating Officer/trial Court as and when required;

vi)Ã, Petitioners shall strictly abide the various guidelines issued by the State and Central Governments with respect to keeping of social distancing in the wake of

Covid 19 pandemic;

vii)Ã, If any of the above conditions are violated by the petitioners, the jurisdictional court will be a liberty to cancel the bail in accordance with law.

This bail applications are allowed as above.