

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 7TH DAY OF APRIL 2022 / 17TH CHAITHRA, 1944

BAIL APPL. NO. 2023 OF 2022

CRIME NO.286/2022 OF VENJARAMOODU POLICE STATION,

THIRUVANANTHAPURAM DISTRICT

PETITIONERS/ACCUSED NOS.1 TO 4:

- 1 NUJUMUDEEN.M
AGED 49 YEARS, S/O.MUHAMMED ISMAIL,
REJEENA MANZIL, MANICKAL, VENJARAMOODU P.O, PULLAMPARA,
THIRUVANANTHAPURAM DISTRICT, PIN - 695607

- 2 NIZAMUDEEN
AGED 34 YEARS, S/O.SHAJAHAN,
NISSA MANZIL, KUNNICODU, KUNNICODU P.O, VILAKKUDY, KOLLAM
DISTRICT, PIN - 691508

- 3 MOHAMMED JASSIM.B.S
AGED 38 YEARS, S/O.MOHAMMED BASHEER,
225, JASSIM MANZIL, MAMOODU, VENJARAMOODU, NELLANAD,
THIRUVANANTHAPURAM DISTRICT, PIN - 695607

- 4 RIYAS.S
AGED 47 YEARS, S/O.SAIFUNNISA,
S.R. MANZIL, MANALIMUKKU, VENJARAMOODU, PULLAMPARA,
THIRUVANANTHAPURAM DISTRICT, PIN - 695607

BY ADVS.
J.R.PREM NAVAZ
SUMEEN S.

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA
ERNAKULAM, PIN - 682031

BY ADV PUBLIC PROSECUTOR

OTHER PRESENT:

SRI. M.C. ASHI (PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07.04.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application for anticipatory bail

2. The petitioners are the accused numbers 1 to 4 in Crime No.286/2022 of Venjaramoodu Police Station, Thiruvananthapuram District alleging commission of offences under Sections 294(b), 323, 342, 386, 506 r/w Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that owing to the animosity arising out of the fact that the *de facto* complainant refused to clear certain liabilities with the 1st accused, the 1st accused along with the other accused in the case, wrongfully confined the son of the *de facto* complainant on 05-02-2022, extorted an amount of Rs.30,000/- (Rupees Thirty Thousand Only) from him, assaulted him and took possession of his vehicle and forcefully obtained signed cheque leafs, signed blank stamp papers and other papers by putting him in fear of grievous hurt and death and thereby they committed the offences alleged against them.

4. The learned counsel for the petitioners would submit that the petitioners are absolutely innocent in the matter. It is submitted that allegations have been raised in order to escape from the liability arising out of the financial transactions. It is

submitted that the Crime was registered only on 04-03-2020 with a delay of nearly 28 days, after the date of the incident. The learned counsel for the petitioners indicate that the allegations are false and that at any rate, the custodial interrogation of the petitioners is not necessary for the proper investigation into the crime.

5. The learned Public Prosecutor opposes the grant of bail. He points out that the offence of extortion is a serious offence and there are clear allegations which indicate that the petitioners have committed the offence of extortion. It is submitted that the petitioners are not entitled to be released on bail at present. It is also submitted that the recovery is yet to be effected.

6. Having regard to the facts and circumstances of the case and considering the nature of the allegations, I am of the view that the petitioners can be granted anticipatory bail subject to conditions.

7. In the result, this application is allowed. It is directed that the petitioners shall be released on anticipatory bail, in the event of arrest in Crime No.286/2022 of Venjaramoodu Police Station, Thiruvananthapuram District subject to the following conditions:-

(i) Petitioners shall execute separate bonds for sums of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the arresting officer;

(ii) Petitioners shall appear before the investigating officer in Crime No.286/2022 of Venjaramoodu Police Station, Thiruvananthapuram District at 10.00 A.M on 11-04-2022, 12-04-2022, 13-04-2022 and thereafter whenever called upon to do so;

(iii) Petitioners shall not attempt to contact the *de facto* complainant or interfere with the investigation or to influence or intimidate any witness in Crime No.286/2022 of Venjaramoodu Police Station, Thiruvananthapuram District;

(iv) Petitioners shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the Investigating officer in Crime No.286/2022 of Venjaramoodu Police Station, Thiruvananthapuram District may file an application before the jurisdictional Court for cancellation of bail.

Sd/-

GOPINATH P.

JUDGE

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APPENDIX OF BAIL APPL. 2023/2022

PETITIONER ANNEXURES

Annexure-A1	THE CITIZEN COPY OF THE FIR IN CRIME NO: 286 OF 2022 OF VENJARAMOODU POLICE STATION THIRUVANANTHAPURAM DISTRICT
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