

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 27TH DAY OF DECEMBER 2013/6TH POUSHA, 1935

BAIL APPL..NO. 8719 OF 2013 ()

CRIME NO. 1009/2013 OF SHORNUR POLICE STATION , PALAKKAD

NAME AND ADDRESS OF THE PETITIONER/2ND ACCUSED:

**YAHYA, AGED 27 YEARS
S/O.YOOSUF, PADINJARETHILVEED, PALLUR
DESAMANGALAM, THRISSUR, PIN-679 532.**

**BY ADVS.SRI.K.J.MOHAMMED ANZAR
SRI.A.D.SURESH BABU**

NAME AND ADDRESS OF THE RESPONDENTS/STATE & COMPLAINANT:

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

**2. THE SUB-INSPECTOR OF POLICE,
SHORNUR POLICE STATION,
PALAKKAD DISTRICT, PIN-671321.**

ADDL. R3 IMPEADED

**3. KUNHIMOIDU, AGED 68 YEARS,
S/O ALIYAMMU HAJI, PARAKKAL VEEDU,
POST KANAYAM, SHORNUR-2,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.**

**ADDITIONAL R3 IS IMPEADED AS PER ORDER DATED 27.12.2013 IN CRL.
M.A. NO.11145 OF 2013.**

**R3 BY ADV. SMT. A.SEENA
BY PUBLIC PROSECUTOR ADV. RENJITH**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-12-2013,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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BABU MATHEW P. JOSEPH, J.

B. A. No. 8719 of 2013

Dated this the 27th day of December, 2013

O R D E R

This petition is filed under Section 439 of the Code of Criminal Procedure for bail.

2. Heard the learned counsel appearing for the petitioner, learned Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel appearing for the additional 3rd respondent. Case Diary produced.

3. The petitioner is the 2nd accused in Crime No.1009 of 2013 of Shornur Police Station. The offences alleged are under Sections 143, 147, 342, 506(i), 323, 452 and 308 r/w Section 149 of IPC. The petitioner was arrested by the police on 13.12.2013 and produced before the court. He was remanded to judicial custody. He continues to be in custody. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. The investigation of the case is almost over. The custodial interrogation of the petitioner was also over. Accused 1 and 3 were already granted regular bail by this Court as per order dated 13.12.2013 on B.A. No.8304 of 2013. He further submits that the continued custody of the petitioner is not required for

completing investigation.

4. Learned Public Prosecutor has opposed this petition. Case Diary shows that the investigation of the case has progressed much. Learned counsel for the additional 3rd respondent submits that the accused in this case have committed the offences after violating the police protection granted by this court in favour of the additional 3rd respondent. Therefore, he strongly opposes this bail application. On considering the facts and circumstances, stage of the investigation, the period the petitioner has already spent in jail and the fact that the accused 1 and 3 in this case were already granted regular bail, this court is of the view that the petitioner can also be granted regular bail by imposing appropriate conditions. Therefore, the petitioner is granted regular bail subject to the following conditions:

1) The petitioner shall be released on bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties each for the like sum to the satisfaction of the concerned Magistrate's Court.

2) The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all

Fridays for a period of two months.

3) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

4) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

5) The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

6) The petitioner shall not commit any similar offences while on bail.

7) The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court/Sessions Court.

This application is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH,
JUDGE.