

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Bail Appl..No. 111 of 2015 ()

CRIME NO. 864/2014 OF PERINGOME POLICE STATION , KANNUR DISTRICT

PETITIONERS/2,5 & 7TH ACCUSED:

- 1. M.SUBAIR,
S/O.KAREEM, AGED 36 YEARS,
PERINGOME AMSOM, PEDENA.**
- 2. RIYAS.V.V,S/O.ABDUL KADER,AGED 22 YEARS,
PALAKKODAN PEEDIKAYIL(H), PEDENA,
PERINGOME AMSOM.**
- 3. JABIR, S/O.HAMZA,AGED 19 YEARS,
PEDENA, PERINGOME AMSOM.**

BY ADV. SRI.P.M.HABEEB

RESPONDENT:

**STATE OF KERALA,
REP. BY STATION HOUSE OFFICER,
PERINGOME POLICE STATION, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.KEMAL PASHA, J.

.....
B.A. No.111 of 2015

.....
Dated this the 15th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A2, A5 and A7 respectively in Crime No.864/2014 of the Peringome Police Station, Kannur registered for the offences punishable under Sections 143, 147, 148, 324 and 307 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that on 30.11.2014 at 8.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and attacked the defacto complainant by cutting with a sword and also by beating with shock absorber. The petitioners have been in custody for the

period from 22.12.2014 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor has opposed the petition. Perused the CD.

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioners. No criminal antecedents have been reported against the petitioners. The investigation of this case is practically over. Continued detention of the petitioners in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioners in custody, the present stage of investigation and the absence of any criminal antecedents on their part, this court is of the view that the petitioners can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum each to the

satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 22.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(iv) The petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge