

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Bail Appl..No. 126 of 2015 ()

**CMP.NO. 9304/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, TALIPARAMBA
CRIME NO. 798/2014 OF ALAKODE POLICE STATION , KANNUR**

PETITIONER/ACCUSED :

**MUHAMMED KHALEEFA C.,
S/O.HASSAN (LATE), AGED 20 YEARS
CHAPPAYIL HOUSE, MATOOL AMSOM
JASINTHA, MATOOL NORTH, KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENTS/COMPLAINANT & STATE :

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

**2. THE STATION HOUSE OFFICER,
ALAKODE POLICE STATION (CRIME NO.798 OF 2014)
KANNUR DISTRICT - 670 001.**

R1 & R2 BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

.....
B.A. No.126 OF 2015

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Dated this the 16^h day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.798/2014 of the Alakode Police Station, Kannur registered for the offence punishable under Section 308 of the Indian Penal Code.

3. The allegation against the petitioner is that on 07.11.2014 he drove tipper lorry bearing Reg.No.KL-14E8742 involved in Crime No.798 of the said Police Station, in a callously rash and criminally negligent manner by transporting river sand illegally collected from the river, and knocked down two pedestrians and also caused to hit it on jeep bearing Reg.No.KL14-B-1103 belongs to a person named Suresan. The petitioner was produced before court

on production warrant on 19.11.2014 and he has been in custody since then.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. Perused the CD.

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

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties 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 petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 23.01.2015 for a period of six months.

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

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

(iv) The petitioner 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

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[True copy]

P.S. to Judge