

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Bail Appl..No. 151 of 2015 ()

CRIME NO. 985/2014 OF PONNANI POLICE STATION, MALAPPURAM DISTRICT

PETITIONER/ACCUSED :

- 1. MUBARAK**
S/O. MOHAMMEDALI, AGED 22 YEARS
PADUKARAN HOUSE, PALAPPETTI P.O.
KAKACHIPARAMBA.
- 2. BADUSHA**
S/O. SIDHEEQUE, AGED 29 YEARS
THEKKEPURATH HOUSE, PALAPPETTI.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANT AND STATE :

- 1. THE SUB INSPECTOR OF POLICE,**
PONNANI POLICE STATION – 673 001
- 2. STATE OF KERALA**
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

B.KEMAL PASHA, J.

.....
B.A. No.151 of 2015

.....
Dated this the 14th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 and A2 respectively in Crime No.985/2014 of the Ponnani Police Station, registered for the offences punishable under Sections 143, 147, 148, 341, 324, 326, 307, 506(ii) and 120B read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners is that on 19.11.2014 at 11.45 p.m., they along with other accused, formed themselves into an unlawful assembly armed with deadly weapons, waylaid the motorcycle by which one Shaji and Haneefa were travelling and attacked them with deadly weapons thereby causing serious injuries to them. It is

alleged that they had attempted to commit their murder. The petitioners have been in custody for the period from 21.11.2014 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 learned Public Prosecutor has pointed out that A2 is a dare criminal involved in 12 other crimes of serious nature. It is has been reported that he is accused in cases relating to house breaking, robbery, dacoity and attempting to commit murder etc. Considering the serious criminal back ground of the second accused, I am of the view that he is not entitled to be enlarged on bail.

6. At the same time, no criminal antecedents have been reported against A1. Continued detention of the first petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the first petitioner in custody and the facts

and circumstances of this case, I am of the view that the first petitioner can be enlarged on bail.

7. In the result, this Bail Application is partly allowed and the first 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 first petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 21.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) The first 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.

This petition, as far as the second petitioner is concerned, is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge