

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Bail Appl..No. 271 of 2015 ()

CRIME NO. 6/2015 OF KUMBALA POLICE STATION,KASARAGOD DISTRICT

PETITIONER/ACCUSED NO.2:

**ABDUL FAHAD, AGED 24 YEARS,
S/O ABDULKHADER, FAHAD MANZIL, MAVINAKKATTA,
KUMBALA, KASARAGOD DISTRICT.**

BY ADV. SRI.S.JIJI

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.KEMAL PASHA, J.

.....
B.A. No.271 of 2015

.....
Dated this the 29th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.6/2015 of the Kumbala Police Station, Kasaragod registered for the offences punishable under Sections 324, 294(b), 308, 341 and 506(i) read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 01.01.2015 at 5.30 p.m., they abused the defacto complainant and the first accused stabbed on the right side of the abdomen of the defacto complainant with a knife thereby causing an injury.

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

5. The learned Public Prosecutor has pointed out that the petitioner is an accused in Crime No.538/2014 of Kumbala Police Station, for the offences punishable under Sections 341 and 354 r/w Section 34 IPC. The investigation of this case is practically over. The allegation against the petitioner is that he has abused the defacto complainant. There is no other allegation that he has attacked the defacto complainant. Apart from the fact that he was present along with A1, all the over acts are alleged against A1. Considering all the above and the present stage of investigation, this Court is of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like

sum to the satisfaction of the officer conducting arrest, 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 Thursdays and Mondays commencing from 05.02.2015 for a period of three 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

ul/-

[True copy]

P.S. to Judge