

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. 390 of 2015

CRIME NO. 677/2014 OF AREACODE POLICE STATION, MALAPPURAM DISTRICT.

.....

PETITIONER/ACCUSED NO.2:

**RASIK, S/O SHOUKATHALI, AGED 26 YEARS,
PUTTENTHODI HOUSE, THAZHATHANGADI,
AREACODE, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.K.RAKESH**

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, KOCHI - 682031**
- 2. THE SUB INSPECTOR OF POLICE,
AREACODE POLICE STATION,
MALAPPURAM DISTRICT, PIN - 673 639.**

BY PUBLIC PROSECUTOR SRI.ABDUL KAREEM

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

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.390 of 2015
.....

Dated this the 29th day of January, 2015

O R D E R

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.677/2014 of Areacode Police Station pending investigation for the offences punishable under Sections 143, 147, 148, 341, 324 and 308 read with Section 149 IPC.

3. The allegation against the petitioner and the other accused is that on 21.12.2014 at 10.30 p.m., they formed themselves into an unlawful assembly, armed with deadly weapons like knife, and wrongfully restrained the *defacto complainant* and his associates and inflicted injuries on the head and face of the *defacto complainant* by stabbing with knife. The petitioner has been in custody for the period from 28.12.2014.

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

5. The learned Public Prosecutor has pointed out that the petitioner is involved in three other cases also. On going through the contents of the CD, it has come out that the continued detention of the petitioner is not required for the continued investigation of this case. Considering the facts and circumstances of this case and having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am satisfied that the petitioner can be enlarged on bail in this case also as a lasty chance.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹25,000/- (Rupees twenty five thousand 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 Thursdays and Mondays commencing from 05.02.2015 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)

aks/29/01

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PA to Judge