

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

Bail Appl..No. 401 of 2015

CRIME NO. 893/2014 OF PARIYARAM POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED NO.1, 2 & 5:

- 1. UMMER KUTTY KALLADATH, AGED 40 YEARS,
S/O.IBRAHIM, KALLADATH HOUSE,
ARIPPARAMBA THIRUVATTOOR P.O., PARIYARAM AMSOM,
TALIPARAMBA TALUK, KANNUR DISTRICT.**
- 2. NIZAR.M, AGED 37 YEARS
S/O.ABDUL KHADER, MUTHETH HOUSE, ARIPPARAMBA,
THIRUVATTOOR P.O., PARIYARAM AMSOM, TALIPARAMBA TALUK,
KANNUR DISTRICT.**
- 3. HAMZA KANDACHEERAKATH, AGED 45 YEARS,
S/O.ABOOBACKER HAJI, JAZEENA MANZIL, THIRUVATTOOR P.O.
PARIYARAM AMSOM, TALIPARAMBA TALUK, KANNUR DISTRICT.**

BY ADV. SRI.V.A.SATHEESH

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA THROUGH S.H.O.
PARIYARAM MEDICAL COLLEGE POLICE STATION
KANNUR DT.637 041.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28-07-2015,
ALONG WITH BA. 660/2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

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B.A.Nos. 401 & 660 of 2015

Dated this the 28th day of July, 2015

COMMON ORDER

Petitions filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 143, 147, 148, 341, 323, 324, 326, 506(ii) read with Section 39 of the Indian Penal Code, 1860. The prosecution case is that armed with deadly weapons like iron rods they assaulted the victim causing him fracture of a bone.

3. Heard.

4. Learned Public Prosecutor submits that the 4th accused who is the first petitioner in Bail Application No. 660 of 2015 has already been arrested. The weapon used is an iron rod. The victim sustained fracture of the left forearm. It is the first petitioner in Bail Application No. 401 of 2015 who assaulted the victim with the weapon. There is no allegation that the other petitioners were armed or used any weapon. Having regard to these facts, I am inclined to grant the prayer of petitioners, except the two accused mentioned above.

In the result, these applications are allowed in part.

- 1)The petitioners 2 and 3 in both applications will be released on bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.*
- 2)They shall surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.*
- 3)They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 4)They shall appear before the Investigating Officer between 10 a.m. and 11 a.m. every alternate Friday for five months or till the final report is filed, whichever is earlier.*
- 5)They shall not intimidate or attempt to influence the witnesses.*
- 6)They shall not destroy or tamper with evidence.*
- 7)They shall not get themselves involved in any other criminal case while they are on bail.*

If the petitioners surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law. The applications are dismissed so far

as the first petitioner in each of the above applications is concerned.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge