

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Bail Appl..No. 528 of 2015

CRIME NO. 93/2015 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT.
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PETITIONER(S)/1,2 & 3RD ACCUSED:

1. SHAMAS A.K.P.,
S/O.SHAMSUDEEN, AGED 23 YEARS,
AKATHOODE KIZHAKKE PEEDIKAYIL,
MARIYUMMA MANZIL, KAVAYI.
2. MUHAMMED SHAFEEK, S/O.ABDULLA,
AGED M22 YEARS, ALAKKAT (H), KAVAYI.
3. AFSAL, S/O.RAJABUDHEEN, AGED 21 YEARS,
MAIKKARAN HOUSE, KAVAYI.

BY ADV. SRI.P.M.HABEEB

RESPONDENT:

STATE OF KERALA,
REPRESENTED BY STATION HOUSE OFFICER,
PAYYANNUR POLICE STATION,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

B.KEMAL PASHA, J.

B.A.No.528 of 2015

Dated this the 30th day of January 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.1 to 3 in Crime No.93/2015 of Payyannur Police Station, Kannur district registered for the offences punishable under Sections 341, 323, 324 and 308 of the Indian Penal Code.

3. The allegation against the petitioners is that on 15.1.2015 at 7.30 p.m., they, in furtherance of their common intention, wrongfully restrained one Ramshad, who is the son of the de-facto complainant's elder brother, and the first accused hit him with a granite stone and petitioners 2 and 3 slapped him. The petitioners have been in custody for the period from 16.1.2015 onwards.

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

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

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on each of them executing a bond for Rs.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 petitioners shall report before the Investigating Officer in between 9 am and 11 am on all Fridays and Tuesdays, commencing from 6.2.2015, for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) The Petitioners 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**

dl

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PA to Judge