

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Bail Appl..No. 547 of 2015 ()

**CRIME NO. 63/2015 OF HILL PALACE POLICE STATION,THRIPUNITHURA,
ERNAKULAM DISTRICT**

PETITIONERS/ACCUSED 1 & 2 :

- 1. ABY ASHARAF, AGED 24 YEARS,
S/O.AHARAF, KARAYIL MANAKKATT HOUSE,
CHALIKKAVATTOM, ERNAKULAM.**
- 2. RAHIM.K.A., AGED 24 YEARS,
S/O. ALI, KATTIPARAMBU HOUSE, EROOR.**

BY ADV. SRI.K.P.MADHU

RESPONDENT/STATE/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY SUB-INSPECTOR OF POLICE,
HILL PALACE POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
COCHIN-31**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B. KEMAL PASHA, J.

.....
B.A. No.547 2015
.....

Dated this the 12th day of February, 2015

ORDER

~~~~~

Petition filed under Section 439 Cr.P.C.

2. Petitioners are the accused in Crime No.63/2015 of Hill Palace Police Station registered for the offence punishable under Section 394 IPC.

3. The allegation against the petitioners is that by offering a lift, they took the *defacto complainant* to the scooter being ridden by them on 16.01.2015 at 2 p.m. and took him to a lonely place, where he was beaten up and his bag containing two mobile phones and his gold finger ring weighing 6 grams were snatched away. The petitioners have been in custody for the period from 16.01.2015 onwards.

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

5. No criminal antecedents have been reported

against the petitioners. The learned counsel for the petitioners has pointed out that this is the only incident in which the petitioners had indulged in a crime. It seems that the investigation of this case is practically over. The continued detention of the petitioners in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioners in custody and the present stage of investigation, I am satisfied that the petitioners can be enlarged on bail on conditions.

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 ₹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 a.m. and 11 a.m. on all Thursdays and Mondays, commencing from 19.02.2015 for a period of six months.*

*(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)**

aks/12/02

*// True Copy //*

*PA to Judge*