

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

Bail Appl..No. 731 of 2015 ()

**CRIME NO. 590/2013 OF NALLALAM POLICE STATION,
KOZHIKODE DISTRICT**

PETITIONER/ACCUSED :

**FARIS P., AGED 22 YEARS,S/O.SULAIMAN,
PUNJAPADATHU HOUSE, EAST VAZHAYUR,
MALAPPURAM DISTRICT.**

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS/COMPLAINANT & STATE :

- 1. SUB INSPECTOR OF POLICE,
NALLALAM POLICE STATION, KOZHIKODE-673027.**
- 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

B.A.No.731 of 2015 B

Dated this the 16th day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.590/2013 of Nallalam police station, Kozhikode registered for the offences punishable under Sections 143, 147, 148, 324, 332, 353 and 307 read with Section 149 of the I.P. C. and Sections 20 and 21 of Kerala Protection of River Banks and Regulation of Sand Amendment Act, 2013

3. The allegation against the petitioner and the other accused is that on 11.12.2013 at 8.15 p.m., they pelted stones on the police party, who obstructed the illegal sand mining, thereby attempting to commit murder of the de-facto complainant and the members of the police party.

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

5. No criminal antecedents have been reported against the petitioner. All the other accused were arrested, detained and subsequently, enlarged on bail. It seems that the custodial interrogation of the petitioner is not required for the continued investigation of the case. Considering the facts and circumstances of the case, the present stage of investigation and the absence of criminal antecedents on the part of the petitioner, I am satisfied 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 Rs.50,000/- (Rupees fifty 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 Mondays and Thursdays, commencing from 23.2.2015 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

dl

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PA to Judge