

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Bail Appl..No. 761 of 2015 ()

CRIME NO. 820/2014 OF NILESWAR POLICE STATION, KASARGOD

PETITIONER/ACCUSED :

**C.H.MUHAMMED ASHIK, AGED 22 YEARS,
S/O.T.MOIDU, ASHIK MANZIL, MANTHAMPURAM,
NILESWAR, HOSDUR TALUK, KASARAGOD**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENTS/COMPLAINANT/STATE :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.820/2014 OF NILESHWAR POLICE STATION,
KASARAGOD DISTRICT 671315**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

B.A.No.761 of 2015 A

Dated this the 23rd day of February 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioner is the first accused in Crime No.820/2014 of Neeleshwaram Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 IPC.

3. The allegation against the petitioner and other accused is that on 26.09.2014 at 9 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and attacked the defacto complainant. It is alleged that the petitioner beat the de facto complainant with an iron pipe and other accused attacked the de facto complainant with hands.

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

5. No criminal antecedents have been reported against the petitioner. It seems that the investigation of this case is practically over. I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. Considering the facts and circumstances of the case, present stage of the case and the absence of criminal antecedents on the part of the petitioner, I am of the view 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.25,000/- (Rupees twenty five 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 2.3.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(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

// TRUE COPY //

PA to Judge