

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

Bail Appl..No. 1091 of 2015

CRIME NO. 864/2014 OF PERINGOME POLICE STATION , KANNUR

PETITIONER(S)/1ST ACCUSED:-:

**KOMMACHI NABEEL, AGED 28 YEARS
S/O.AZIZ, PERINGOME AMSOM, PEDENA.**

BY ADV. SRI.P.M.HABEEB

RESPONDENT(S):

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

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B. KEMAL PASHA, J.

.....
B.A. No.1091 of 2015
.....

Dated this the 6th day of March, 2015

O R D E R

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.864/2014 of Peringome Police Station, Kannur district, registered for the offences punishable under Sections 143, 147, 148, 324 and 307 read with Section 149 IPC.

3. The allegation against the petitioner and the other accused is that on 30.11.2014 at 8.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons, committed rioting and rioting armed with deadly weapons, and attacked the defacto complainant with sword stick and shock absorber, thereby causing very serious injuries and by attempting to commit his murder. The petitioner has been in custody for the period from

06.12.2014 onwards.

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

5. The contents of the CD, *prima facie*, reveal that the investigation of this case is practically over. At the same time, the learned Public Prosecutor has pointed out that the petitioner is a habitual offender involved in a series of serious criminal cases. Even though the petitioner has got series of serious criminal antecedents on his part, the police have not yet finalised the investigation and filed final report. Matters being so, this is a case wherein the petitioner is entitled to get compulsive bail under Section 167(2) Cr.P.C.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹50,000/- (Rupees fifty 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 petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 13.03.2015 for a period of six months.

(ii) Except for observing condition No.(i) above and for appearing before the courts, the petitioner shall not enter Kannur district for a period of six months from today.

(iii) The petitioner shall not tamper with the evidence or influence witnesses.

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(v) 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)

aks/06/03

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PA to Judge