

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

Bail Appl..No. 1459 of 2015 ()

CRIME NO. 678/2014 OF KALPETTA POLICE STATION, WAYANAD DISTRICT

PETITIONER(S)/ACCUSED 2 & 3:

- 1. NOUSHAD P.M., S/O.MAMMONJ, AGED 32 YEARS,
PAINATTU CHAINTHA, CHAMAMKOLI,
PULPALLY POST, WAYANAD.**
- 2. ASHRAF, S/O.MOHAMMED, AGED 37 YEARS,
POOZHICKUNNATH HOUSE, KAKKAVAYAL POST,
MUTTIL AMSOM WAYANAD.**

**BY ADVS.SRI.N.MANOJ KUMAR
SMT.JAYASREE MANOJ**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING THE STATION HOUSE OFFICER,
KALPETTA POLICE STATION, WAYANAD DISTRICT**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 22-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

K.ABRAHAM MATHEW, J.

B.A.No.1459 of 2015

Dated this the 22nd day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused 2 and 3 in Crime No.678 of 2014 of Kalpetta Police Station registered for the offence under Section 304 of IPC.

3. The allegation is that they along with the co-accused put up an electric fence around a poultry farm run by the 1st accused and caused the death of a stranger. Learned counsel submits that the petitioners only used to supply chicken to the 1st accused and they are not involved in the commission of the offence.

4. Heard.

5. Admittedly the poultry farm belonged to the 1st accused. The petitioners had no right or interest in it. There is allegation that they helped the 1st accused to put up the electric fence. Having regard to these facts, I am inclined to grant their prayer.

In the result, this application is allowed with the following conditions:

- i) The petitioners shall be released on bail after interrogation on their executing a bond for Rs.25,000/-(Rupees Twenty five thousand only)

each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

ii) They shall appear before the Investigating Officer for interrogation if they are so required by him in writing.

lii) They shall not destroy or tamper with evidence.

iv) They shall not enter the territorial limits of Kalpetta Police Station for two months.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

**K.ABRAHAM MATHEW
JUDGE**

pm