

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Bail Appl..No. 1779 of 2015 ()

**CRIME NO. 109/2015 OF KUMBLA POLICE STATION,
KASARGOD DISTRICT**

PETITIONERS/ACCUSED:

- 1. UMMER FAROOQ, AGED 26 YEARS
S/O.LATE SULAIMAN, FISHERIES COLONY, PERVAD,
P.O KUMBLA, KOIPADI VILLAGE, MANJESHWAR TALUK,
KASARAGOD.**
- 2. UMMAROOOL FAROOQ @ FAYAS, AGED 20 YEARS,
S/O.SULAIMAN, S.A.MANZIL, BADARIYA NAGAR,
KOIPADI VILLAGE, P.O.KUMBLA, MANJESHWAR TALUK,
KASARAGOD.**
- 3. ABDUL BASITH K @ BASITH @ BATHI @ BATHISHA, AGED 23 YEARS,
S/O.ABDUL RAHMAN, K.K.HOUSE, DEVI NAGAR,
KUMBLA, KOIPADI VILLAGE, MANJESHWAR TALUK,
KASARAGOD.**
- 4. SIDDIQUE KARLA @ LOGI SIDDIQUE, AGED 32 YEARS,
S/O.LATE HASSAINAR, KARLA HOUSE, ARIKKADI,
ARIKKADIVILLAGE, KUMBLA, MANJESHWAR TALUK
KASARAGOD.**

**BY ADVS.SRI.P.V.KUNHIKRISHNAN
SRI.P.V.ANOOP**

RESPONDENTS/COMPLAINANT AND STATE :

- 1. SUB INSPECTOR OF POLICE, KUMBLA POLICE STATION,
KASARAGOD - 671 321.**
- 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**

R1 & R2 BY PUBLIC PROSECUTOR SRI.C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

.....
B.A. No.1779 of 2015

.....
Dated this the 31st day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 to A4 respectively in Crime No.109/2015 of the Kumbbla Police Station, Kasaragod registered for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that on 22.02.2015 at 7.00 p.m., A3 and A4 procured the presence of A1 and A2, and all of them attacked the deceased namely Sakkir. It is alleged that A2 to A4 caught hold of Sakkir and slapped him repeatedly thereby enabling the first accused to stab him with a knife. The first accused inflicted a stab below his chest with a knife whereby Sakkir died on the way

to the hospital. The petitioners have been in custody for the period from 25.02.2015 onwards.

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

5. It has been reported that the first accused is an accused in Crime No.8/2010 of the Kumbbla Police Station registered for the offences punishable under Sections 341, 324, 323 and 302 read with Section 34 IPC. It has been reported that A3 is a habitual offender and he is involved in six other criminal cases including cases for offences under Sections 326, 307, 308 etc. No criminal antecedents have been reported against the 2nd accused. It has also been reported that A4 is an accused in three other cases. Considering the serious criminal antecedents on the part of A1 and A3, I am of the view that they are not entitled to be enlarged on bail.

6. At the same time, considering the facts and circumstances of the case and the present stage of

investigation, I am of the view that A2 and A4, who are petitioners 2 and 4, can be enlarged on bail.

7. In the result, this bail application is allowed in part and petitioners 2 and 4 shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each 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) Petitioners 2 and 4 shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays, commencing from 07.04.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, petitioners 2 and 4 shall not enter the local limits of the Kumbla Police Station, Kasaragode for a period of six months from today.

(ii) Petitioners 2 and 4 shall not tamper with the evidence or influence witnesses.

(iii) Petitioners 2 and 4 shall make

themselves available for interrogation as and when required by the investigating officer.

(iv) Petitioners 2 and 4 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.

This petition, as far as 1st and 3rd petitioners are concerned, is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge