

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. 1813 of 2015

CRIME NO. 214/2015 OF KASARAGOD POLICE STATION, KASARGOD
.....

PETITIONER(S)/ACCUSED 1 TO 4:

1. NIZAMUDDHIN P.A., AGED 25 YEARS,
S/O. MUHAMMED, BENOOR HOUSE, M BENOOR,
PERUMBALA, CHEMMNAD, KASARAGOD.
2. ANSAR P., AGED 20 YEARS,
S/O. HASSAINAR, RUBEENA MANZIL, BENOOR,
PERUMBLA, CHEMNAD, KASARAGOD.
3. ABDUL SHAKIR K., AGED 20 YEARS,
S/O. SHAFI, KURUKKAN VALAPPU HOUSE, BENOOR,
PERUMBALA, KASARAGOD.
4. MUHAMMED HUSSAIN THABSHIR @ THABSHI, AGED 19 YEARS,
S/O. HABEEN T.A. @ ABU, MANTHOTI HOUSE, BENOOR,
PERUMBLA, KASARAGOD.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE:

1. THE STATION HOUSE OFFICER,
KASARAGOD POLICE STATION-673 121.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682 031.

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

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

msv/

B.KEMAL PASHA, J.

.....
B.A. No.1813 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 in Crime No.214/2015 of the Kasaragode Police Station, registered for the offences punishable under Sections 341, 324 and 308 read with Section 34 IPC.

3. The allegation against the petitioners is that, on 16.03.2015 at 8.30 p.m., they, in furtherance of their common intention, attacked the defacto complainant and his friends with iron rods thereby attempting to commit culpable homicide. A1 and A2 have been in custody for the period

from 17.03.2015 onwards and A3 and A4 have been in custody for the period from 19.03.2015 onwards.

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

5. The learned Public Prosecutor has pointed out that the locality in which the crime has been committed is a disturbed area known for communal violence and the present incident has triggered violence in the area. No criminal antecedents have been reported against the petitioners. The investigation of this case is practically over. Having regard to the period undergone by the petitioners in custody, the present stage of investigation and the absence of any criminal antecedents on their part, this court is of the view that the petitioners can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioners 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) The petitioners 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 and for attending their examinations, the petitioners shall not enter the local limits of the Kasaragode Police Station for a period of six months from today.

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

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

(v) The petitioners 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

ul/-

[True copy]

P.S. to Judge