

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Bail Appl..No. 1867 of 2015 ()

**CRIME NO. 439/2015 OF PAYYANNUR POLICE STATION,
KANNUR DISTRICT**

PETITIONER/ACCUSED NO.2 :

**ASHKAR.M., AGED 27 YEARS,
S/O. M.T.P. ABDUL KHADER MADAMBILLATH HOUSE,
BASHEER QUARTERS, TRIKKARIPUR P.O.,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.ZUBAIR PULIKKOOL
SRI.P.S.BINU**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B. KEMAL PASHA, J.

.....
B.A. No.1867 of 2015
.....

Dated this the 6th day of April, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.439/2015 of Payyannur Police Station registered for the offences punishable under Sections 341, 323, 324 and 308 read with Section 34 IPC.

3. The allegation against the petitioner is that on 22.03.2015 at 9.30 p.m., he along with the other two accused, obstructed the car by which the de facto complainant was travelling and dragged down the driver of the car and beat on his head with an iron rod. The petitioner has been in custody for the period from 26.03.2015 onwards.

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

5. It seems that the investigation of this case is practically over. No criminal antecedents have been reported against the petitioner. The continued detention of the petitioner in custody is not required for the continued investigation of this case. Considering the facts and circumstances of this case and having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am satisfied that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹25,000/- (Rupees twenty five 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 Mondays and Thursdays commencing from 13.04.2015 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)

aks/06/04

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PA to Judge