

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Bail Appl..No.2521 of 2015

CRIME NO.315/2015 OF PERINGOME POLICE STATION,KANNUR.

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PETITIONER'S/ACCUSED NO.1 TO 5:

1. **MEHABOOB.M,AGED 20 YEARS,
S/O.ABDUL RAHMAN,MADAPPURAM HOUSE,
CHUNDA,PULINGOME.**
2. **THAHIR A.G.,AGED 19 YEARS,S/O.MOHAMMED KUNHI,
CHUNDA PO,PULINGOME.**
3. **RAMEEZ A.G.,AGED 20 YEARS,S/O.NAZAR A.G.,
ANJILLATH HOUSE,CHUNDA P.O,PULINGOME.**
4. **ISMAIL.T.,AGED 18 YEARS,S/O.IBRAHIM,
THALAYAILLATH HOUSE,PULINGOME,
CHUNDA P.O,KANNUR.**
5. **SALMAN.K.,AGED 22 YEARS,S/O.ABDULLA KUTTY,
KATTOORAN HOUSE,PULINGOME,CHUNDA.**

BY ADV.SRI.P.M.HABEEB

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.SUDHEENDRA KUMAR, J.

Bail Application No.2521 of 2015

Dated this the 26th day of June 2015

O R D E R

The petitioners are accused Nos.1 to 5 in Crime Nos.315/2015 of Peringome police station registered under Sections 143, 147, 323, 324 and 308 read with Section 34 I.P.C.

2. The allegation of the prosecution can be briefly stated thus:- On 6.4.2015 at 1.15 p.m., while the *defacto complainant* was travelling in a bus, the said bus was stopped by the petitioners and thereafter, they attacked the *defacto complainant*. The first accused attacked the

defacto complainant with an iron rod and the 4th accused attacked the *defacto complainant* with a reaper. The petitioners have filed this application praying for the relief under Section 438 Cr.P.C.

3. Heard. Perused the Case Diary.

4. The learned Public Prosecutor has no serious objection in allowing the application.

5. It has been submitted by the learned Public Prosecutor that the petitioners are not involved in any other offence of similar nature. The injuries sustained by the *defacto complainant* are not very serious in nature. Considering the facts and circumstances of the case, including the fact that the petitioners are the first time offenders, I am inclined to grant the relief under Section

438 Cr.P.C.in favour of the petitioners.

In the result, this bail application stands allowed and the respondent is directed to release the petitioners on bail in the event of their arrest in Crime No.315/2015 of Peringome police station, on condition of each of the petitioners executing a bond for Rs.30,000/- (Rupees thirty thousand only) each with two solvent sureties each, each for the like sum to the satisfaction of the Sub Inspector of Police, Peringome Police Station, before whom the petitioners shall surrender within ten days and subject to the following further conditions:

- (i) The petitioners shall report before the Investigating Officer on every Monday between 9

a.m. and 11 a.m. for six months and thereafter, as and when required by the Investigating Officer for interrogation.

(ii) The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(iii) The petitioners shall not get involved in any offence during the pendency of this case.

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**B.SUDHEENDRA KUMAR,
JUDGE**

dl

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/ PA TO JUDGE/