

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Bail Appl..No. 3182 of 2015 ()

**CRIME NO. 913/2015 OF ATTINGAL POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER/ACCUSED NO.6:

**MOHAMMED SABIR S.N., AGED 20 YEARS,
S/O.SIRAJUDHEEN, SABIR MANZIL, VALAKKADAVU,
ELAMBAMUDAKKAL, THIRUVANANTHAPURAM.**

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT. MADHUBEN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

RAJA VIJAYARAGHAVAN V, J.

B.A.No.3182 of 2015

Dated this the 17th day of June, 2015

O R D E R

The petitioner herein is the 6th accused in Crime No.913/2015 of the Attingal Police Station. The case has been registered against him and 7 others alleging offence punishable under Sections 143, 147, 148, 149, 341, 294(b), 506(ii), 324 and 308 of Indian Penal Code.

2. The gist of the allegation is that, on 13.05.2015 at about 6 p.m., the accused reached a place by name Pachayil in an autorickshaw and attacked certain persons who were playing cricket and when the de facto complainant and his brother-in-law intervened, they were also attacked. Specific overt acts are alleged against the first accused and the second accused.

3. I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

4. It is submitted by the learned counsel that as against the petitioner herein who is arrayed as the 6th accused, there is no specific overt act in the earliest records. It is also pointed out

that a counter case has been registered as Crime No.920/2015 as against the de facto complainant and others. It was submitted that accused Nos.1 to 5 were arrested immediately after the offence was committed and later, they were enlarged on bail as per the order dated 26.05.2015 in Bail Application No.2822/2015 subject to conditions. It is submitted that in the order, it has been specifically noted by the learned Single Judge that the weapon has been recovered and the investigation is almost complete. Taking into consideration these aspects and taking note of the fact that there is no overt acts alleged against the petitioner, I am inclined to allow his application for anticipatory bail subject to following conditions:

1. The petitioner will be released on bail, in the event of arrest, on his executing a bond for Rs.50,000/- (Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.

2. He shall surrender his passport before the learned Magistrate and in case he is not holding any passport, he shall file an affidavit stating so, within five days of his release.

3. He shall not leave India without the previous permission of the jurisdictional court.

4. The petitioner shall cooperate with the investigation and shall appear before the investigating officer between 10 a.m and 11 a.m on every Wednesday for 3 months, or till the final report is filed, whichever is earlier.

5. He shall not threaten or attempt to influence the witnesses and shall not get involved in any criminal case while on bail.

6. He shall in no event tamper or attempt to tamper with the evidence nor shall he hamper the investigation.

Violation of any of the above conditions will entitle the jurisdictional Court to cancel the bail in accordance with the law.

In the result, this application is allowed.

Sd/-

RAJA VIJAYARAGHAVAN V, JUDGE.

Bb

True Copy