

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

Bail Appl..No. 3239 of 2015 ()

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CRIME NO. 531/2015 OF PARIYARAM MEDICAL COLLEGE POLICE STATION,
KANNUR DISTRICT
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PETITIONER/ACCUSED:

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C.T.MUHAS,S/O.MUSTHAF A, AGED 19 YEARS,
CHANATHALAYANTAKATH HOUSE, VAYAD,
THIRUVATTOOR P.O., PARIYARAM AMSOM,
TALIPARAMBA TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI
SRI.J.ABHILASH**

RESPONDENT/COMPLAINANT:

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STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, THROUGH S.H.O.
PARIYARAM MEDICAL COLLEGE POLICE STATION,
KANNUR DT.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-07-2015, ALONG WITH BA.NO. 3475 OF 2015 AND CONNECTED
CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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K. ABRAHAM MATHEW, J.

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**B.A.Nos.3239, 3270, 3475
& 3535 of 2015**

Dated this the 6th day of July, 2015

COMMON ORDER

Petition filed under Section 439 Cr.P.C.

2. The petitioners are accused of having committed the offences under Sections 143, 147, 148, 307, 333, 342, 341, 379 read with Section 149 IPC and Section 20 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. The prosecution case is that on seeing the petitioners transporting river sand in a lorry without any permit, Police officers including the victim intercepted it and then the petitioners assaulted the victim, Sub Inspector of Police, causing him serious injuries.

3. Heard.

4. Some of the accused have been in custody since 26.05.2015, 28.05.2015 and 29.05.2015. There is no allegation of accused 5 to 7 doing any overt act. Having regard to these facts and the period of custody I am inclined to grant their prayer.

5. The Sub Inspector sustained very serious injuries and he is still in hospital, his condition was very bad. It appears that if

accused Nos. 1 to 4 who took active participation in the assault of the Sub Inspector are released on bail, there is a every likelihood of their interfering in the investigation influencing and intimidating the witnesses. So, their prayer cannot be granted.

In the result, these applications allowed in part. The second petitioner in Bail Application No. 3475/2015 and the petitioner in Bail Application No. 3239/2015 and the petitioner in Bail Application No. 3270/2015 will be released on bail.

- 1)The petitioners (2nd petitioner in B.A. No. 3475/2015, petitioner in B.A. No. 3239/2015 and petitioner in B.A. No.3270/2015) will be released on bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only)each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.*
- 2)They shall appear before the Investigating Officer between 10.30 a.m and 11.30 a.m. on every Friday for six months, or till the final report is filed, whichever is earlier.*
- 3)They shall surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.*
- 4)They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*

5)They shall not intimidate or attempt to influence the witnesses, nor shall they get themselves involved in any other criminal case.

6)They shall not enter Kannur district during the investigation, except for complying with the direction in this order or for appearing in court, without the previous permission of the court concerned.

If the petitioners violate any of the above conditions, the court of enquiry/trial is empowered to cancel the bail in accordance with the law.

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

DST

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P.A. To Judge