

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

Bail Appl..No. 3529 of 2015 ()

CRIME NO. 623/2015 OF VALANCHERY POLICE STATION, MALAPPURAM DISTRICT.

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PETITIONERS/ACCUSED:

- 1. RASHID, AGED 21 YEARS,
S/O.BEERAN HAJI, PALATHODI HOUSE,
VADAKKUMPURAM P.O., VALANCHERY,
MALAPPURAM DISTRICT.**
- 2. IRSHAD, AGED 19 YEARS,
S/O. BEERAN HAJI, PALATHODI HOUSE,
VADAKKUMPURAM P.O., VALANCHERY,
MALAPPURAM DISTRICT.**

BY ADV. SRI.RAJIT.

RESPONDENT(S):

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

*** ADDL. R2 IMPEADED**

- 2. MUJEEB, S/O.KUNHI BAVA,
KIZHAKAKATH VEEDU, POOKKATTIRI
VALANCHERY, MALAPPURAM DISTRICT.**

*** ADDL. R2 IS IMPEADED AS PER ORDER DATED 29/06/2015 IN
CRL.MA. NO.5852/2015.**

**R1 BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH.
ADDL. R2 BY ADVS. SRI.BABU S. NAIR,
SRI.K.RAKESH.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-06-2015, ALONG WITH BA. NO.3462 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

K.ABRAHAM MATHEW, J

B.A.No.3529 OF 2015 & 3462 OF 2015

Dated this the 29th day of June, 2015

C O M M O N O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.623/2015 of Vallenchery police station originally registered for the offences under Sections 308, 341, 323 read with Section 34 of Indian Penal Code. Later, a report was sent to the Magistrate stating that offences under Sections 143, 147, 148, 447, 324 read with Section 149 have also been incorporated.

3. The prosecution case is that all the petitioners except the first petitioner in Bail Application No.3462/2015 wrongfully restrained the first informant and assaulted him and knowing about that the first petitioner in the said application rushed to the place of occurrence and stabbed the victim with a knife causing him serious injuries.

4. Heard.

5. In the initial part of the incident the first petitioner in Bail Application No.3462/2015 was not

involved. The offences allegedly committed in that part are all bailable. It is known about the initial part of the incident the first petitioner in Bail Application No.3462/2015 rushed to the place of occurrence. He assaulted the victim with a knife. The victim sustained very serious injuries in his abdomen as seen from the wound certificate. The others were not armed. They did not assault the victim with any weapon. Having regard to these facts I am inclined to grant the prayer of the petitioners except the first Petitioner in Bail Application No.3462/2015.

In the result, all the petitioners except the first petitioner in Bail Application No.3462/2015 will be released on bail after interrogation on their executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) each with two solvent sureties for the like sum each if they are arrested by the police in connection with this case.

2. They shall appear before the investigating officer between 10 a.m to 11 a.m on every alternate Saturdays for four months or till the final report is filed whichever is earlier.

4. They shall not get themselves involved in any

other criminal case while they are on bail.

5. They shall not intimidate or attempt to influence the witnesses.

6. They shall not destroy or tamper with evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law.

If the petitioners surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

The application is dismissed so far as the first petitioner in Bail Application No.3462/2015 is concerned.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge