

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. 3754 of 2015

CRIME NO. 560/2015 OF POOYAPPALLY POLICE STATION , KOLLAM

PETITIONER/1ST ACCUSED:

**MUHAMMEDSHAN @ SHANU, AGED 24 YEARS,
S/O.SALIM, SALIM MANZIL, CHENKOOR MURI,
VELINALLOOR VILLAGE, POOYAPPALLY, KOLLAM DISTRICT.**

BY ADV. SRI.V.A.AJIVAS

RESPONDENT/COMPLAINANT & STATE:

**STATE OF KERALA,
REPRESENTED BY CIRCLE INSPECTOR OF POLICE,
POOYAPPALLY POLICE STATION IN KOLLAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

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B.A.No. 3754 of 2015

Dated this the 6th day of July, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Section 294(b), 323, 324, 326, 302, 212, 201 read with Section 34 of IPC. The prosecution case is that he assaulted the victim with the handle of a pick-axe, causing injuries on her head. As a result of the injuries sustained her, she died. The petitioner also attacked two others.

3. Heard.

4. Learned counsel submits that the deceased sustained injuries in a fall. I have perused the postmortem certificate of the deceased. It is not proper for me to make any observation about the defence version now. The petitioner and the victims are close relatives. He has been in custody since 01.05.2015. There has been much progress in the investigation. His further detention is not necessary for its completion. So, I am inclined to grant his prayer.

In the result, this application is allowed.

- 1)The petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only)with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.*
- 2) The petitioner shall appear before the investigating officer between 10 a.m and 11 a.m. on every Thursday for four months, or till the final report is filed, whichever is earlier.*
- 3)The petitioner shall surrender his passport before the lower court concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.*
- 4)The petitioner shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.*
- 5)He shall not intimidate or attempt to influence the witnesses, nor shall he get himself involved in any other criminal case.*
- 6)He shall not attempt to contact or communicate with the victims or their relatives, nor shall he enter the premises in which they are residing.*

If the petitioner violates 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

//True copy//

P.A. To Judge