

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.3826 of 2015

CRIME NO.921/2015 OF ERAVIPURAM POLICE STATION,KOLLAM.

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PETITIONER'S/ACUSED NOS.2 TO 4:

- 1. MANAF,AGED 25 YEARS,S/O.MUHAMMED SALI,
PADINJATTE KANNIMEL VEEDU,
MUKKAM CHERRI,MAYYANADU VILLAGE,KOLLAM.**
- 2. HASSAN @ MUHAMMED HASSAN,AGED 27 YEARS,
S/O.KHALID KUNJU,CHEMPOTTU THODIYIL,
ANZY MANZIL,MAYYANADU,KOLLAM.**
- 3. SAMAN RAHIM,AGED 27 YEARS,
S/O.ABDUL RAHIM,ARAYIL CHERIYIL VEEDU,
MUKKAM,MAYYANADU,KOLLAM.**

BY ADV.SRI.VIPIN NARAYAN

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH.

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

pk

K.ABRAHAM MATHEW, J.

B.A.No. 3826 of 2015

Dated this the 6th day of July, 2015

ORDER

Petition filed under Section 439(1) Cr.P.C.

2. Petitioners are accused in Crime No.921 of 2015 of Eravipuram Police Station registered for the offences under Sections 341,323,324,326,307 r/w 34 of IPC.

3. The prosecution case is that in furtherance of the common intention of the petitioner and the 1st accused they wrongfully restrained the victim, assaulted him with dangerous weapons and attempted to commit his murder.

4. Heard.

5. Learned counsel submits that only the 1st accused was armed with a weapon and the other petitioners were not. But the learned Public Prosecutor submits that the 1st petitioner also was armed with an iron rod and he also assaulted the victim causing injuries on his left forearm. Learned counsel submits that the police have registered a case against the victim and others and the petitioners also were in hospital. That alone cannot be a ground to grant them bail. The incident happened at 1.00 in the night. The very fact that the 1st accused and the 1st petitioner were carrying arms speaks volumes. So

the 1st petitioner is not entitled to grant bail. But the other petitioners will be granted bail.

In the result, this Bail Application is allowed in part.

i. The petitioners 2 and 3 will be released on bail on his 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 lower court concerned.

ii. The petitioners shall appear before the investigating officer between 10.30 a.m and 11.30 a.m on every Friday for four months, or till the final report is filed, whichever is earlier.

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

iv. Petitioners shall surrender their passports before the lower court concerned or if they does not have one they shall file an affidavit to that effect within five days of their release.

v. Petitioners shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

In case of violation the lower court concerned is empowered to cancel the bail in accordance with the law. The application is dismissed so far as the 1st petitioner is concerned.

**K.ABRAHAM MATHEW
JUDGE**

pm