

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

**TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937**

**Bail Appl..No. 4593 of 2015 ()**

**CRIME NO. 798/2015 OF PERINTHALMANNA POLICE STATION,  
MALAPPURAM DISTRICT**

**PETITIONER(S)/6TH AND 7TH ACCUSED:**

- 1. SHAFEEQALI,S/O.HAMZA, AGED 27 YEARS,  
KALLINGAL HOUSE, PERINTHALMANNA P.O.,  
MALAPPURAM DISTRICT.**
- 2. SIRAJUDHEEN,S/O.ALAVI, AGED 33 YEARS,  
PERUVADDADAN HOUSE, THIRURKKAD P.O.,  
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.**

**BY ADV. SRI.U.K.DEVIDAS**

**RESPONDENT/COMPLAINANT :**

**STATE OF KERALA,  
REP. BY THE CIRCLE INSPECTOR OF POLICE,  
PERINTHALMANNA POLICE STATION,  
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM.**

**BY PUBLIC PROSECUTOR SRI.P.S.ABDUL KAREEM**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 04-08-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**sts**

**K. ABRAHAM MATHEW, J.**

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**B.A. No.4593 of 2015**  
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**Dated this the 4<sup>th</sup> day of August 2015**

**O R D E R**

Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused in Crime No.798 of of 2015 of Perinthalmanna Police station registered for the offences under Secs.143, 147, 148, 118 and 302 read with Sec.149 of the Indian Penal Code. The prosecution case is that the accused armed with deadly weapons formed themselves into an unlawful assembly and committed murder of one Abdul Latheef.

3. Heard both sides.

4. Learned counsel submits that the only allegation against the petitioners is that they failed to inform the Police about the commission of the offences though they knew about it.

5. Learned Public Prosecutor submits that there is evidence to show that they were present near the place of occurrence and the petitioners made phone calls to the first accused just before the incident.

6. The petitioners have been in custody since

25.06.2015. Apart from the above pieces of evidence, the investigating officer has not been able to collect any reliable evidence to prove the involvement of the petitioners. So, I am inclined to grant their prayer.

In the result, the bail application is allowed.

1) The petitioners will be released on bail on their executing a bond for Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.

2) The petitioners shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. every Wednesday for four months or till the final report is filed, whichever is earlier.

3) The petitioners shall not leave Malappuram District except with the previous permission of the investigating officer till the conclusion of the investigation.

4) The petitioners shall surrender their

passports before the lower court concerned or if they do not have the one, file affidavits to that effect.

5) The petitioners shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

6) The petitioners shall not destroy or tamper with evidence nor shall they get themselves involved in any other criminal case.

6) The petitioners shall not intimidate or attempt to influence the witnesses.

7) The petitioners shall co-operate with investigation of the case.

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

Sd/-  
**K. ABRAHAM MATHEW**  
**JUDGE**

/ True Copy /

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P.A. To Judge