

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Bail Appl..No. 4904 of 2015

CRIME NO. 8/2015 OF CHALLISSERY POLICE STATION , PALAKKAD DISTRICT

NAME AND ADDRESS OF THE PETITIONER(S) :

- 1. SADATH, AGED 35 YEARS,
S/O.BASHEER, RESIDING AT 386(7/386), POYYATHRA,
NO.2, CHAZHIYATRI, CHATHANNUR.P.O.,
PATTAMBI, PALAKKAD DISTRICT-683 517.**
- 2. NIZAR, AGED 24 YEARS,
S/O.MOHAMMED, PARACKAL HOUSE, ITTONAM,
CHATHANUR.P.O, PALAKKAD DISTRICT.**

**BY ADVS.SRI.C.A.MAJEED
SRI.K.H.ASIF
SMT.RAAGA R.RAMALAKSHMI
SRI.K.J.SHARATH KUMAR**

NAME AND ADDRESS OF THE RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. STATION HOUSE OFFICER,
POLICE STATION, CHALISSERY, PALAKKAD DISTRICT-683 517.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

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B.A.No. 4904 of 2015

Dated this the 19th day of August, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No. 8 of 2015 of Challissery Police Station. They are alleged to have committed the offences under Sections 143, 147, 149, 323, 324 and 506(i) of the Indian Penal Code. After the registration of the case Section 364 IPC also was incorporated.

3. The prosecution case is that the petitioners kidnapped the victim, wrongfully restrained him, threatened and assaulted him with hands.

4. Heard.

5. There is no allegation that the petitioners used any weapon or the victim sustained any serious injuries. Custodial interrogation of the petitioners is not necessary for effective investigation.

In the result, this application is allowed.

1)The petitioners shall be released on bail on

their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

- 2) 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.*
 - 3) They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
 - 4) They shall appear before the Investigating Officer between 10 a.m. and 11 a.m. every alternate Wednesdays for three months or till the final report is filed, whichever is earlier.*
 - 5) They shall not intimidate or attempt to influence the witnesses.*
 - 6) They shall not destroy or tamper with evidence.*
 - 7) They shall not get themselves involved in any other criminal case while they are on bail*
- If the petitioners surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.*

In case of violation of any of the above conditions, the

B.A.No. 4904 of 2015

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learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

DST

//True copy//

P.A. To Judge