

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

Bail Appl..No. 5197 of 2015 ()

**CRIME NO. 449/2015 OF HOSDURG POLICE STATION,
KASARGOD DISTRICT**

PETITIONERS/ACCUSED NO.1 &2 (ACCUSED IN CUSTORY) :

- 1. BIJU @ KARIMADIKUTTAN, AGED 31 YEARS,
S/O.KARICHI, RESIDING AT CHALAKUZHI HOUSE, MADURAMKAI
UPPILKAI, PUTHUKKAI VILLAGE, KASARAGOD DIST. PIN**
- 2. ANU @ ANOOP, AGED 32 YEARS,
S/O.VASANTHAN, RESIDING AT ADUKKAPARAMBA HOUSE,
UPPILKAI, PUTHUKKAI VILLAGE, KASARAGOD DIST. PIN.**

**BY ADVS.SRI.K.J.MOHAMMED ANZAR
SRI.DILEEP D BHAT**

RESPONDENTS/STATE & COMPLAINANT :

- 1. PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
- 2. THE INSPECTOR OF POLICE,
HOSDURG POLICE CIRCLE, HOSDURG,
KANHANGAD, KASARAGOD PIN**

BY PUBLIC PROSECUTOR MS. T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A. HARIPRASAD, J.

Bail Appl. No.5197 of 2015

Dated this the 1st day of September 2015

O R D E R

Petition filed under Sec.439 Cr.P.C.

2. Petitioners are accused nos.1 and 2 in Crime No.449 of 2015 of Hosdurg Police station registered for the offences under Secs.302 and 341 read with Sec.34 of the Indian Penal Code. The prosecution case in short is that on 26.04.2015 at about 5.30 p.m., the petitioners, in furtherance of their common intention, wrongfully restrained the deceased person in front of a primary health centre and committed murder by stabbing him with a knife. Petitioners plead innocence.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. Learned Public Prosecutor submitted that the final report has already been filed and the matter is now pending as C.P. No.93 of 2015 on the file of the Judicial First Class Magistrate Court-I, Hosdurg.

The petitioners have been in custody since

02.05.2015. Considering the stage of investigation, bail is granted to the petitioners with the following strict conditions.

i. The petitioners shall be released on bail on their 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 learned Magistrate having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. The learned Magistrate need not insist on solvency certificate but there must be sufficient documents to reveal the identity and solvency of the sureties.

iv. The petitioners shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. on every Sunday for three months .

v. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall

they tamper with the evidence.

vi. The petitioners shall not involve in any other offence during the period of bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge