

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Bail Appl..No. 5218 of 2015

CRIME NO. 801/2015 OF MALA POLICE STATION , TRISSUR

PETITIONERS/ACCUSED NOS.1 TO 3:

1. HAMEED, AGED 66 YEARS,
S/O.AMMUKUNJU, KADAMBOT HOUSE, MANIYANKAVU DESOM,
PUTHENCHIRA VILLAGE, THRISSUR DISTRICT, PIN-680682.
2. SALAM, AGED 37 YEARS,
S/O.HAMEED, KADAMBOT HOUSE, MANIYANKAVU DESOM,
PUTHENCHIRA VILLAGE, THRISSUR DISTRICT-680682.
3. NAVAZ, AGED 31 YEARS,
S/O.SALAM, ADIYANI PARAMBIL HOUSE,
KANNIKULANGARA DESOM, PUTHENCHIRA VILLAGE,
THRISSUR DISTRICT, PIUN-680682.

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

RESPONDENTS/STATE & COMPLAINANT:

1. STATE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.
2. THE STATION HOUSE OFFICER,
MALA POLICE STATION, THRISSUR DISTRICT, PIN-680732.

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A.No.5218 of 2015

Dated this the 16th day of September, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1 to 3 in Crime No.801 of 2015 of Mala Police Station registered for the offences punishable under Sections 306 and 307 r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that on 19.07.2015 at about 10.30 a.m., the accused persons in furtherance of their common intention brutally attacked the *de facto* complainant causing injuries. Immediately after this incident due to the mental agony and shock the deceased committed suicide by hanging.

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

5. Learned counsel for the petitioners submitted that the petitioners are innocent of all the allegations.

6. Learned Public Prosecutor opposed the bail

application contended that antemortem injury sustained by the deceased show that he was brutally man handled by the accused persons. Law and order issue also may arise in the area, if the accused persons are realised on bail.

7. Considering the entire facts, bail is granted to the petitioners with the following conditions:

- (a) The petitioners shall be released on bail on their executing a bond for ₹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.
- (b) The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioners shall appear before the

Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until the final report is filed.

- (d) The petitioners shall not enter the local limits of Mala Police Station for a period of 'three months' except for the purpose of reporting to the Investigating Officer.
- (e) The petitioners shall not intimidate or attempt to influence the witnesses.
- (f) The petitioners shall not in any manner interfere or meddle with the investigation.
- (g) Petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-

A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge