

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Bail Appl..No. 5261 of 2015 ()

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

PETITIONER/4TH ACCUSED :

**MUHAMMED JAMSHEER
S/O.MUHAMMED, AGED 28 YEARS, NEDUMPARAMBAN HOUSE
PONNIYAMKURUSSI P.O., PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT/COMPLAINANT :

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

**BY ADDITIONAL DIRECTOR GENERAL OF PROSECUTION
SRI. K.I. ABDUL RASHEED**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A. No.5261 of 2015

Dated this the 7th day of September, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the fourth accused in Crime No.798 of 2015 of Perinthalmanna Police Station registered for offences punishable under Sections 143, 147, 148, 118 and 302 read with Section 149 of the Indian Penal Code.

3. Prosecution case, in short, is that on 14.06.2015 at about 7.00 p.m., the accused persons formed themselves into an unlawful assembly, armed with deadly weapons, committed rioting and the first accused stabbed one Abdul Latheef with a knife causing his death in front of a beer parlour at Perinthalmanna.

4. Heard the learned counsel for the petitioner and the learned Additional Director General of Prosecution.

5. Learned counsel contended that the petitioner was not present at the time of occurrence and he is totally innocent of all the allegations. Learned Director General of Prosecution opposed this contention and submitted that the petitioner was present there and in furtherance of their

common intention, the accused persons attacked the defacto complainant.

Considering the stage of investigation in respect of this accused, he is released on bail with the following conditions:

i. The petitioner shall be released on bail on executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate Court-I, Perinthalmanna.

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

iii. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.

iv. The petitioner shall not indulge in any offence while on bail.

v. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

cks