

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Bail Appl..No. 5383 of 2015 ()

CRIME NO. 362/2015 OF BEKAL POLICE STATION , KASARGOD DISTRICT

PETITIONER/ACCUSED NO.5:

**SARFAS K.,AGED 20 YEARS, S/O.MOHAMMEDKUNHI,
PAKKYARA, KUNNUMMAL HOUSE, BARA VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 150**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.362 OF 2015 OF BEKAL POLICE STATION,
KASARAGOD DISTRICT) -671 315.**

BY SR PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A No.5383 of 2015

Dated this the 23rd day of September, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the 5th accused in Crime No.362/2015 of Bekal Police Station registered for offences punishable under Sections 143, 147, 148, 341, 324, 326, 307 and 302 r/w Section 149 I.P.C.

3. Prosecution case, in short, is that on 12-05-2015 at about 1.15 hours, the accused formed themselves into an unlawful assembly armed with deadly weapons and wrongfully restrained and attacked the deceased and another person. One person died and another person sustained grievous injuries and the accused thereby committed the aforementioned offences.

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

5. Learned counsel for the petitioner submitted that some of the accused has been released on bail as per order on bail application B.A No.4692 of 2015 dated 7th August, 2015. Considering the stage of investigation, I find that bail can be granted to the petitioner with following strict conditions :

- i. Petitioner will be released on bail on his executing a bond for Rupees one lakh only with two solvent sureties each for the like sum to the satisfaction of the lower court concerned.
- ii. He shall appear before the investigating officer between 10.30 and 11.30 a.m. on every Friday for three months or till the final report is filed, whichever is earlier.
- iii. He shall not enter the local limits of Bekal Police Station till the conclusion of the investigation except for complying with the directions in the order or with the previous permission of the learned Magistrate concerned.
- iv. He shall not intimidate or attempt to influence the witnesses, nor shall they get themselves involved in any other criminal case.

- v. He shall surrender his passport before the lower court concerned or if he does not have one, he shall file affidavit to that effect within five days of his release.
- vi. He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

In case of violation the lower court concerned is empowered to cancel the bail in accordance with the law.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge

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