

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Bail Appl..No. 5435 of 2015 ()

CRIME NO. 920/2015 OF POONTHURA POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED :

**SUHAIR
AGED 25 YEARS, S/O. HABEEB,
T.C. 46/464, PALLAM ROAD
PALLITHERUVU, MUTTATHARA VILLAGE
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.S.VINODKUMAR (VANCHIYOOR)
SRI.S.R.ANEESH**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
PIN- 682 031.**

BY PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.5435 of 2015

Dated this the 29th day of September, 2015.

ORDER

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

2. Petitioner is the third accused in Crime No.920/2015 of Poonthura Police Station registered for offences punishable under Sections 143, 147, 148, 149, 120(B), 323, 324, 506(ii), 427, 307 and 302 I.P.C.

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

4. Prosecution case, in short, is that the second accused purchased gold ornaments worth Rs.3,27,000/-.After paying an amount of Rs.2,27,000/-, he agreed to pay the balance amount of Rs.1,00,000/- by 11-06-2015. As he failed to pay the balance, the defacto complainant and one Muhammed Shah, the Proprietors of the jewellery went to the residence of the second accused for demanding the amount. He refused to pay the

amount and there was an altercation between them. Thereafter the second accused along with other accused persons formed themselves into an unlawful assembly and as a result of a conspiracy, they attacked the deceased and another person standing in front of a hotel. When the deceased tried to escape from the place of attack, they chased and stabbed him to death.

5. Learned Public Prosecutor opposed the bail application. It is submitted that some of the accused has been released on bail by this court. The petitioner was arrested on 16-06-2015 and he is in custody since then. Considering the fact that other accused persons have been enlarged on bail, I find that bail can be granted to this petitioner also with following strict conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The

learned Magistrate need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

3. The petitioner shall appear before the Investigating Officer on all Sundays between 10.00 and 11.00 a.m until final report is filed.
4. The petitioner shall not indulge in any offence while on bail.
5. 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.

Sd/-
A.HARIPRASAD,
JUDGE.

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P.A to Judge