

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Bail Appl..No. 5554 of 2015 ()

CRIME NO. 509/2015 OF MANGARA POLICE STATION, PALAKKAD DISTRICT

PETITIONER/ACCUSED NOS. 2 & 3 :

- 1. SHAMEER ALI**
AGED 31 YEARS, S/O.SULAIMAN, MAMBRA HOUSE
KODUNTHIRAPPULLI P.O., PALAKKAD DISTRICT.
- 2. SHAKKEER K.A.,**
AGED 28 YEARS, S/O.ABDUL BASHEER, KADOOR HOME
KODUNTHIRAPPULLI P.O., PALAKKAD DISTRICT.

BY ADVS.SRI.SALIM V.S.
SRI.H.NUJUMUDEEN

RESPONDENT/COMPLAINANT :

STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE
MANGARA POLICE STATION, PALAKKAD DISTRICT
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, PIN 682 031.

BY PUBLIC PROSECUTOR SMT. R. REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

A.HARIPRASAD, J.

B.A.No.5554 of 2015

Dated this the 30th day of September, 2015

O R D E R

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

2. Petitioners are accused 2 and 3 in Crime No.509 of 2015 of Mankara Police Station is registered for the offences punishable under Sections 143, 147, 148 and 307 r/w Section 149 of the Indian Penal Code.

3. Prosecution allegation is that on 14.08.2015 at about 11.00 p.m., the petitioners along with other accused who are members of SDPI party formed themselves into an unlawful assembly armed with deadly weapons like swords etc., attacked the de facto complainant with an intention to commit murder.

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

5. Learned counsel for the petitioner submitted that the actual incident is not as contended by the prosecution. In fact, the petitioners were at the receiving

end and the de facto complainant and his party were the aggressors for which Crime No.508 of 2015 of the same Police Station had been registered. This Court granted bail to the accused Nos.4, 6 and 8 in Crime No.508 of 2015 as per order dated 22.09.2015 in B.A.No.5432 of 2015.

6. The petitioners were arrested on 17.08.2015 and they are in custody thereafter. Investigation regarding this petitioners has progressed well. Further detention of the petitioners is not necessary in this case. Hence, bail is granted with the following conditions:

- (a) The petitioners shall be released on bail on each of them executing a bond for ₹50,000/- (Rupees fifty thousand only) 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 Sundays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (f) The petitioners shall not intimidate or attempt to influence the witnesses.
- (g) The petitioners shall not in any manner interfere or meddle with the investigation.
- (h) The petitioner 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