

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Bail Appl..No. 5598 of 2015 ()

CRIME NO. 801/2015 OF PAYANGADI POLICE STATION , KANNUR

PETITIONER(S)/1ST ACCUSED:

MUSSAMMIL P T, AGED 26 YEARS
S/O.MUHAMMEDALI,
PANDARATHOTTATHIL HOUSE,
MADAYI AMSOM
VENGARA, KANNUR, PIN 670 305.

BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.Y.VINOD KUMAR

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA
(REP. BY THE SUB INSPECTOR OF POLICE
PAYANGADI POLICE STATION
CR. NO.804/2015 OF PAYANGADI POLICE STATION)
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.M.S.REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

dlk

A. HARIPRASAD, J.

Bail Appl. No.5598 of 2015

Dated this the 8th day of October 2015

O R D E R

Bail application filed under Sec.439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.804 of 2015 of Payangadi Police station registered for the offences punishable under Secs.143, 147, 148, 341, 452, 324 and 307 read with Sec.149 of the Indian Penal Code. The prosecution allegation is that on 27.08.2015 at about 5.00 p.m., accused nos.1 to 8, in furtherance of their common object, formed themselves into an unlawful assembly armed with deadly weapons committed rioting and stabbed the defacto complainant after trespassing into a club.

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

4. Learned Public Prosecutor opposed the bail application contending that the weapon of offence could not be recovered so far. As per the report submitted, more witnesses remain to be questioned.

Considering the state of investigation and the fact that the petitioner remains in custody from 30.08.2015 onwards, I am inclined to grant bail to the petitioner with the following conditions.

i. The petitioner shall be released on bail on his 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.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The petitioner shall appear before the Investigating Officer for interrogation on every Monday and Thursday between 10.00 a.m. and 11.00 a.m. till the final report is filed.

iv. The petitioner shall not enter the

local limits of Payangadi Police station except for appearing before the investigating officer or the Court below for a period of three months.

v. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

vi. The petitioner shall not involve in any other offence during the period of bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/08/10/2015

P.A. To Judge