

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Bail Appl..No. 5751 of 2015

**CRIME NO. 1155/2015 OF KADAKKAVOOR POLICE STATION,
THIRUVANANTHAPURAM**

PETITIONER(S)/A5:

**NOUSHAD, AGED 21 YEARS,
S/O.SHAHUL HAMEED, PUTHEN VEEDU, MELATTINGAL,
THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE :

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KADAKKAVOOR POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.5751 of 2015

Dated this the 28th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. 5th accused in Crime No.1155 of 2015 of Kadakkavoor Police Station registered for offences punishable under Sections 143, 147, 323, 354 and 452 read with Section 149 of the Indian Penal Code seeks pre-arrest bail.

3. Prosecution case is that on 29.08.2015 at 3.15 p.m., the accused persons trespassed into the house of the defacto complainant and attacked her. The second accused attempted to outrage the modesty of the defacto complainant, who is a lady and others were also present in the unlawful assembly.

4. After hearing the learned counsel for the petitioner and the learned Public Prosecutor and also finding that there is no specific overtact alleged against the petitioner, pre-arrest bail is granted to him with the following conditions:

i. Petitioner shall surrender before the investigating officer within a period of one week and submit himself for interrogation. Thereafter he shall execute a bond for ₹25,000/- (Rupees twentyfive

thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in Crime No.1155 of 2015 of Kadakkavoor Police Station.

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

iii. Petitioner shall appear before the Investigating Officer on all Sundays between 10.00 and 11.00 a.m. until further orders.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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