

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. 5757 of 2015 ()

CRIME NO. 1381/2015 OF TALIPARAMBA POLICE STATION, KANNUR

PETITIONERS/ACCUSED 1, 2 AND 4::

- 1. RIYAS K.P., AGED 20 YEARS,
S/O.MOOSA HAJI, K.P.HOUSE,
NEAR SEETHI SAHID HIGHER SECONDARY SCHOOL,
TALIPARAMBA, KANNUR DISTRICT.**
- 2. MOHAMMAD SANEER, S/O.HAMSA, AGED 22 YEARS,
AYISHAS, VELLARAMPARA, KURUMATHUR,
TALIPARAMBA, KANNUR DISTRICT.**
- 3. SALIH P.K., AGED 24 YEARS,
S/O.HAMSA, PILAVINTEKEEZHIL, NEAR GOVT. HOSPITAL,
KARIMBAM, TALIPARAMBA, KANNUR DISTICT.**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH**

RESPONDENTS/STATE & COMPLAINANT :

- 1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM 682 031.**
- 2. THE STATION HOUSING OFFICER,
TALIPARAMBA POLICE STATION, KANNUR DISTRICT 670 141.**

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:**

bp

A.HARIPRASAD, J.

B.A. No.5757 of 2015

Dated this the 28th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 1, 2 and 4 in Crime No.1381 of 2015 of Thaliparamba Police Station registered for offences punishable under Sections 452, 341, 323, 324, 427, 506(ii) read with Section 149 of the Indian Penal Code.

3. Prosecution alleged that the petitioners, who are students of Sir Syed Institute for Technical Studies, Thaliparamba, barged into the room wherein the defacto complainant was staying and attacked him using an iron rod, causing injuries.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the defacto complainant sustained only minor injuries and the use of iron rod is an exaggerated version of the case by the prosecution. Learned Prosecutor opposed the bail application contending that the wound certificate revealed certain abrasions. The incident was on 11.08.2015. According to the learned counsel for the petitioner, the petitioners are junior students and the defacto complainant is a senior student.

Considering the age of the petitioners and other facts and

circumstances, pre-arrest bail is granted to the petitioners with following conditions:

i. Petitioners shall surrender before the investigating officer within a period of one week and submit themselves for interrogation. Thereafter each one of them 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, they shall be released on bail in Crime No.1381 of 2015 of Thaliparamba Police Station.

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

iii. Petitioners shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation in the matter.

iv. They 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 petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

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