

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Bail Appl..No. 6081 of 2015 ()

CRIME NO. 348/2015 OF KODUVALLY POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED 1,2 AND 4:

1. SAKKIR P. AGED 25 YEARS
S/O. MOIDU, PARAYKKAL HOUSE, AVILORA P.O.
KODUVALLY, KOZHIKODE.
2. RIYAS K. @ IKUNHUNHU, AGED 22 YEARS,
S/O. SAITHALI, KAPPALAMKUZHIYIL HOUSE, VAVAD P.O.
KODUVALLI, KOZHIKODE.
3. ANAS M.K., AGED 24 YEARS
S/O. MUHAMMED KOYA, MAILANCHIKKARAMMAL HOUSE
VAVAD P.O., KODUVALLY, KOZHIKODE.

BY ADV. SRI.UNNIKRISHNAN.V.ALAPATT

RESPONDENT(S)/COMPLAINANT/STATE:

1. THE SUB INSPECTOR OF POLICE
KODUVALLY POLICE STATION-670001.
2. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031.

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

A.HARIPRASAD, J.

B.A.No.6081 of 2015

Dated this the 6th day of October, 2015

ORDER

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

2. Petitioners are accused Nos.1, 2 and 4 in Crime No.348 of 2015 of Koduvally Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 427, 395 and 307 r/w Section 149 of the Indian Penal Code.

3. Prosecution case is that on 29.07.2015 at about 15.30 hours while the *de facto* complainant was travelling in a car, they way laid the vehicle and robbed a gold necklace weighing 7 sovereigns. Petitioners attacked the *de facto* complainant by using iron rod and attempted to commit murder. Stab injury was also inflicted.

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

5. Leaned counsel for the petitioners contended a false case is imposed on the petitioners due to the enmity

of a Police officer.

6. Leaned Public Prosecutor opposed the bail application. First accused in this case was arrested in another crime and he was enlarged on bail.

7. Considering the nature of incident and the stage of investigation, bail granted to the petitioners with the following strict conditions:

- (a) Each petitioners shall be released on bail on executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties 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) Either one of the parents or siblings or close

relatives of the petitioners shall be an additional surety.

- (d) The petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (e) The petitioners shall not enter the local limits of Koduvally Police Station for a period of three months except for the purpose of reporting to the Investigating Officer or attending the court.
- (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 petitioners 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