

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. 6103 of 2015 ()

CRIME NO. 920/2015 OF POONTHURA POLICE STATION, THIRUVANANTHAPURAM

PETITIONERS/A6 AND A7:

- 1. SHABEER**
S/O.MOHAMMED HANEEFA, AGED 30 YEARS
TC 46/476, KURAVILAKOM VEEDU
PALLITHERIVU, PUTHENPALLY, POONTHURA
THIRUVANANTHAPURAM.
- 2. SHARAT, AGED 31 YEARS**
S/O.MUHAMMED KHASIM, TC 46/186, PUTHUVEL PUTHEN VEEDU
PALLOM ROAD, PALLITHERIVU, PUTHENPALLY
POONTHURA, THIRUVANANTHAPURAM.

BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.BREJITHA UNNIKRISHNAN

RESPONDENT :

THE STATE OF KERALA
REP. BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA-682 031.

BY SR. PUBLIC PROSECUTOR SRI. C. RASHEED

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

Mn

A.HARIPRASAD, J.

B.A.No.6103 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.5 & 7 in Crime No.920 of 2015 of Poonthura Police Station registered for the offences punishable under Sections 143, 147, 148, 120 (B), 323 324, 326, 506(ii), 427, 307 & 302 r/w Section 149 of the Indian Penal Code.

3. Prosecution case is that the second accused purchased gold ornaments from a jewellery by name 'Rajakumari Jewellery'. After paying some amount, he agreed go pay the balance by 11.06.2015. As he failed to fulfil his promise, the jewellery owner came in search of the accused person and it resulted in an altercation. Thereafter, the 1st accused along with his son 2nd accused and other accused as members of an unlawful assembly armed with deadly weapons, as a result of a criminal conspiracy attacked the deceased, resulting in his death.

He was stabbed from inside a shop. The petitioners remain in custody from 19.06.2015. Final report has already been filed. The matter is pending in committal proceedings.

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

5. Considering the facts and circumstances, bail granted to the petitioners with the following 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) The petitioners shall appear before the court

without fail as and when directed.

- (d) The petitioners shall not enter the revenue district of Thiruvananthapuram for a period of three months except for the purpose of appearing before the court.
- (e) The petitioners shall not intimidate or attempt to influence the witnesses.
- (f) The petitioners shall not in any manner interfere or meddle with the investigation.
- (g) 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