

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 6366 of 2015 ()

**-----
CRIME NO. 104/2015 OF MAVELIKKARA POLICE STATION, ALAPPUZHA DISTRICT.**

.....

PETITIONER/ACCUSED 1 & 2:

- 1. SHAIBU @ APPUNNI, AGED 28 YEARS,
S/O.XAVIER, KAIPPALLIL HOUSE,
KANNA MANGALAM SOUTH MURI,
KANNA MANGALAM VILLAGE,
MAVELIKKARA TALUK.**
- 2. XAVIER @ SOURYAR, AGED 59 YEARS,
S/O.GARVASIS KAIPPALLIL HOUSE,
KANNA MANGALAM SOUTH MURI,
KANNA MANGALAM VILLAGE,
MAVELIKKARA TALUK.**

BY ADV. SRI.D.AJITHKUMAR.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY SR. PUBLIC PROSECUTOR SRI.C. RASHEED.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A. HARIPRASAD, J.

Bail Appl. No.6366 of 2015

Dated this the 15th day of October 2015

O R D E R

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

2. Petitioners are accused nos.1 and 2 in Crime No.104 of 2015 of Mavelikkara Police station registered for the offences punishable under Secs.447, 323, 506(ii), 452 and 302 read with Sec.34 of the Indian Penal Code. Prosecution case is that on 23.01.2015 at about 06.30 p.m., the accused persons criminally trespassed into the house of the deceased and attacked him with dangerous weapons resulting in his death.

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

4. Learned Public Prosecutor submitted that accused nos.3 and 4 were already enlarged on bail. Further, charge has been filed in this case as S.C. No.404 of 2015 of Additional Sessions Court, Mavelikkara. The 1st accused was arrested on 28.01.2015 and the 2nd accused was arrested on 26.01.2015.

Considering the nature of allegations and the stage of investigation, bail is granted to the petitioners with the following conditions.

i. Each of the petitioners shall be released on bail on their executing a bond for Rs.50,000/- (Rupees one lakh only) each 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 1st petitioner shall appear before the investigating officer for interrogation every Monday and Thursday between 09.00 a.m. and 10.00 a.m. for a period of one month and thereafter 1st Sunday on every month.

iv. The petitioners shall appear before

the Court on all posting dates without fail.

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

vi. The petitioners 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

NS/15/10/2015

/ True Copy /
P.A. To Judge

The word "the learned Magistrate having jurisdiction" occurring in the 5th and 6th lines of 1st condition stipulated for granting bail in the final order dated 15.10.2015 in B.A. No.6366/2015 are corrected and substituted as "the Additional Sessions Judge, Mavelikkara", vide order dated 27.10.2015 in Crl.M.A. No.10107/2015 in B.A. No.6366/15.

Sd/-
Registrar (Judicial)