

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Bail Appl..No. 6714 of 2015 ()

CRIME NO. 765/2015 OF NADAPURAM POLICE STATION, KOZHIKODE DISTRICT.

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PETITIONER/ACCUSED NO.4:

**ABDULLA K.V., S/O.BASHEER, AGED 18 YEARS,
RESIDING AT KURUNNUM VEETIL HOUSE,
KUMMANGODE, NADAPURAM. P.O., VADAKARA,
KOZHIKODE DISTRICT-673 504.**

**BY ADVS.SRI.S.RAJEEV,
SRI.K.K.DHEERENDRAKRISHNAN,
SRI.V.VINAY.**

RESPONDENTS/COMPLAINANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. STATE HOUSE OFFICER,
NADAPURAM POLICE STATION,
KOZHIKODE DISTRICT-673 504.
(CRIME NO.0765/2015 OF NADAPURAM POLICE STATION,
KOZHIKODE DISTRICT).**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-11-2015, ALONG WITH BA. 7014/2015, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. Nos.6714 & 7014 of 2015

Dated this the 13th day of November, 2015

COMMON ORDER

Applications under Section 438 of the Code of Criminal Procedure.

2. Petitioners in these applications are accused 3 and 4 in Crime No.765 of 2015 of Nadapuram Police Station registered for offences punishable under Sections 143, 147, 148, 149, 323, 324 and 308 of the Indian Penal Code and Section 4 of the Prohibition of Ragging Act, 1998. They seek pre-arrest bail.

3. Petitioners are students in a college. Prosecution case is that on 17.09.2015 at about 12.00 p.m., the petitioners along with other accused armed with weapons formed themselves into an unlawful assembly and attacked the defacto complainant. They ragged the first year students.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the petitioners are not involved in the offence. Further, the matter has been

settled between the defacto complainant and the accused persons. It is also submitted that there is no material to implicate them in an offence under Section 308 of the Indian Penal Code.

Considering the nature of allegations, petitioners can be enlarged on pre-arrest bail with following conditions:

i. Petitioners shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation. Thereafter they shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) each 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.765 of 2015 of Nadapuram Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

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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