

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. 6863 of 2015 ()

CRIME NO. 694/2015 OF PAYYOLI POLICE STATION, KOZHIKODE DISTRICT.

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PETITIONER/ACCUSED NO.1:

**MUHAMMED YASIR, S/O.ABOOBACKER,
AGED 19 YEARS, SAJIR MANZIL, KEEZHAL P.O.,
VADAKARA, KOZHIKODE DISTRICT.**

BY ADV. SRI.BABU S. NAIR.

RESPONDENTS/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI- 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
PAYYOLI POLICE STATION,
KOZHIKODE DISTRICT- 673 523.**

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.6863 of 2015

Dated this the 13th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. First accused in Crime No.694 of 2015 of Payyoli Police Station registered for offences punishable under Sections 341, 323, 294(b) and 308 read with Section 34 of the Indian Penal Code seeks pre-arrest bail.

3. Prosecution case is that on 15.10.2015 while the defacto complainant was proceeding to canteen in a college during the lunch break, the petitioner and three named accused and ten identifiable persons wrongfully restrained him and attempted to throttle him.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that petitioner and the defacto complainant are college students. Due to political differences of opinion, petitioner is falsely implicated in the case.

6. Learned Prosecutor with reference to the case diary submitted that no external injury has been suffered by the defacto complainant. Therefore, I find no need of custodial interrogation. Hence the following

directions:

i. In the event of arrest in Crime No.694 of 2015 of Payyoli Police Station, petitioner shall be released on bail on executing 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.

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. Petitioner shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. He 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 petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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