

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 6897 of 2015 ()

CRIME NO. 1889/2015 OF KUTHUPARAMBA POLICE STATION, KANNUR DISTRICT

PETITIONERS/ACCUSED NOS. 1 TO 3 :

1. SHARMISH U.K.,
AGED 37 YEARS, S/O.GOPI,
SAVITHIRA NIVAS, NEERVELI P.O.
KANNUR DISTRICT.
2. SAJITH C.,
AGED 29 YEARS, S/O.NARAYANAN,
THANKAM NIVAS, KURIYIL
NIRMALAGIRI P.O., KANNUR DISTRICT.
3. SAJESH C.,
AGED 37 YEARS, S/O.GOPI,
SAVITHRI NIVAS, NEERVELI.P.O
KANNUR DISTRICT.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS/COMPLAINANT/STATE :

1. SUB INSPECTOR OF POLICE,
KUTHUPARAMBA POLICE STATION-670643.
2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.6897 of 2015

Dated this the 17th day of November, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioners are the accused 1 to 3 in Crime No.1889/2015 of Kuthuparamba Police Station registered for offences punishable under Sections 341, 323, 324, 294(b), 506 (ii) and 308 r/w Section 34 I.P.C.

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

4. Prosecution case, in short, is that on 11-10-2015 at about 8.30 p.m., while the defacto complainant was travelling on a motorcycle, the petitioners restrained him and assaulted him with a stone and wooden stick.

5. Learned counsel for the petitioners submitted that the petitioners are in custody from 20-10-2015 onwards. Learned

Public Prosecutor opposed the bail application by contending that the first accused is involved in ten cases and facing a proceeding under Section 107 Cr.P.C. Other accused are also involved, but their details are not furnished. Considering the nature of allegations, I am not inclined to grant bail to the first petitioner (first accused). Bail is granted to the other accused (second and third) with following strict conditions :

1. The petitioner Nos.2 and 3 shall be released on bail on executing a bond for Rs.50,000/- each (Rupees fifty thousand only) with two solvent sureties each for the like sum each to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioners shall appear before the

Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.

4. The petitioners shall not indulge in any offence while on bail.
5. The petitioners shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioners, the learned Magistrate is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD,
JUDGE.

amk

//True copy//

PA to Judge