

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. 6975 of 2015 ()

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CRIME NO. 790/2015 OF VAZHAKKAD POLICE STATION, MALAPPURAM DISTRICT.**

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PETITIONERS/ACCUSED 2 AND 3:

- 1. SHIHAB, AGED 26 YEARS, S/O.MUHAMMED,
KAVUNGAKANDI HOUSE, OMANOOR P.O,
CHERUVAYOOR, MALAPPURAM, PIN - 673 645.**
- 2. AHAMMED RIYAS, AGED 25 YEARS,
S/O.ABOOBACKER, CHATHANKULANGARA HOUSE,
OMANOOR P.O, CHERUVAYOOR,
MALAPPURAM, PIN - 673 645.**

BY ADV. SRI.R.ABDUL AHAD.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY SUB-INSPECTOR OF POLICE,
VAZHAKKAD POLICE STATION,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

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.6975 of 2015

Dated this the 13th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners apprehend arrest in Crime No.790 of 2015 of Vazhakkad Police Station registered for offences punishable under Sections 452, 308 and 427 read with Section 34 of the Indian Penal Code.

3. Heard both sides.

4. Learned Prosecutor submitted that the first petitioner is not an accused in the crime. Submission is recorded and the application in respect of that petitioner is dismissed. Second petitioner is the second accused in the crime. It is alleged that on 19.10.2015 at 10.30p.m., the accused persons in furtherance of their common intention attacked the defacto complainant by using a sign board and cleaning mop, causing injuries. It is the allegation that this petitioner used the cleaning mop against the defacto complainant. It is also submitted that this Court has granted bail to the first accused in B.A.No.6970 of 2015 today.

Considering the nature of allegations, I do not find any necessity to have a custodial interrogation of the second accused. Hence the application in respect of the second petitioner (second accused) is

allowed as follows:

i. Second petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation. Thereafter he shall execute 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. In that event, he shall be released on bail in Crime No.790 of 2015 of Vazhakkad 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. Second 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 second petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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