

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Bail Appl..No. 7052 of 2015 ()

CRIME NO. 728/2015 OF SREEKRISHNAPURAM POLICE STATION, PALAKKAD

PETITIONER/ACCUSED NO.3 :

**USMAN @ USMAN MOULAVI
S/O.MUHAMMED MUSLIYAR, AGED 43 YEARS
KALARITHODI HOUSE, ALATTIL P.O.
WAYNAD DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE & COMPLAINTANT :

- 1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE
SREEKRISHNAPURAM POLICE STATION
PALAKKAD DISTRICT, PIN: 679 513.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

Bail Appl. No.7052 of 2015

Dated this the 16th day of November 2015

O R D E R

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

2. Petitioner, 3rd accused in Crime No.728 of 2015 of Sreekrishnapuram Police station registered for the offences punishable under Secs.143, 147, 148, 323, 324, 427 and 307 read with Sec.149 of the Indian Penal Code seeks bail. Prosecution case is that on 21.09.2015, accused nos.1 to 9, as members of an unlawful assembly, armed with deadly weapons, attacked the defacto complainant in connection with a monetary dispute.

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

4. Learned counsel for the petitioner submitted that the petitioner is in custody from 23.10.2015 and he may be granted bail.

Recovery of the alleged weapon has been effected. Material witnesses have been questioned. Therefore, bail is granted to the petitioner with the

following conditions.

i. The petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) 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 lower Court need not insist on solvency certificate. Other documents revealing the solvency of the sureties can also be relied on.

iv. The petitioner shall appear before the Investigating Officer for interrogation on all Mondays and Thursdays between 10.00 a.m. and 11.00 a.m. until final report is filed.

v. The petitioner shall surrender his passport before the lower court concerned or if he does not have the same, file an affidavit to that effect.

vi. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

vii. The petitioner 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

/ True Copy /