

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Bail Appl..No. 7061 of 2015 ()

**AGAINST THE ORDER IN CMP 5378/2015 of J.M.F.C.COURT FOR THE TRIAL OF
FOREST OFFENCES, NEDUMANGAD DATED 12-10-2015.
CRIME NO. 1026/2015 OF PALODE POLICE STATION , THIRUVANANDAPURAM.**

PETITIONER/4TH ACCUSED :

**SAJU, AGED 49 YEARS,
S/O.MOHAMMED HANEEFA, TC NO.41/2403(2), WELCOME STREET,
KALIPPAMKULAM, MANACUAD VILLAGE, (FROM NOORJI MANZIL,
TC 49/39(3)), KAMALESWARAM, KALIPPAMKULAM,
MANACUAD VILLAGE.**

BY ADV. SRI.BIJU .C. ABRAHAM.

RESPONDENT/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE, PALODE
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.T.U.LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

amk

A.HARIPRASAD, J.

B.A No.7061 of 2015

Dated this the 12th day of November, 2015.

ORDER

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

2. Petitioner is the 4th accused in Crime No.1026/2015 of Palode Police Station registered for offences punishable under Sections 120(b), 364 and 302 r/w Section 34 I.P.C.

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

4. Prosecution case, in short, is that due to previous enmity, the accused conspired together on 27-09-2015 and committed murder of deceased Mohanan Nair by stabbing. Accused No.1 stabbed the deceased is the prosecution case.

5. The petitioner was arrested on 06-10-2015 and remains in custody since then. Learned counsel for the petitioner submitted that the petitioner is not involved in any offence.

Learned Public Prosecutor opposed the bail application contending that the petitioner is the one in whose house the conspiracy was hatched. Considering the stage of investigation, I find that bail can be granted to the petitioner with following strict conditions :

1. The petitioner shall be released on bail on 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.
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 petitioner 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 petitioner shall not indulge in any offence

while on bail.

5. The petitioner 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 petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

**Sd/-
A.HARIPRASAD,
JUDGE.**

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P.A to Judge