

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. 7064 of 2015 ()

**CRIME NO. 1216/2015 OF IRITTY POLICE STATION,
KANNUR DISTRICT**

PETITIONERS/ACCUSED :

- 1. MUHAMMADALI P.P., AGED 39 YEARS,
S/O. ABDULLA, RESIDING AT PUTHIYAPURAYIL HOUSE,
THILLENKERI AMSOM, KAVUMPADI LAKSHM VEEDU COLONY,
IRITTY, KANNUR DISTRICT**
- 2. SHAFEER CHEMBOTH, AGED 24 YEARS,S/O. AZEEZ,
CHEMBOTH HOUSE, MUZHAKKUNNU AMSOM
CHAKKAD, POST VILAKODE, IRITTY, KANNUR DISTRICT**

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANTS & STATE :

- 1. SUB INSPECTOR OF POLICE,
IRITTY POLICE STATION, KANNUR DISTRICT 670 001**
- 2. STATE OF KERALA,(RESPONDENTS 1 & 2)
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM COCHIN 682 031**

R1 & R2 BY PUBLIC PROSECUTOR SMT. REMA R.

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

bp

A.HARIPRASAD, J.

B.A.No.7064 of 2015

Dated this the 13th day of November, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1 and 5 in Crime No.1216 of 2015 of Iritty Police Station registered for the offences punishable under Sections 143, 147, 148, 323, 324, 326, 308 & 506(ii) r/w Section 149 of the Indian Penal Code.

3. Prosecution case is that on 10.09.2015 at about 01.30 p.m., the accused persons formed themselves into an unlawful assembly armed with dangerous weapons like chopper, iron rod, stick etc., and attacked the defacto complainant causing serious injuries and they attempted to commit culpable homicide.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the petitioners remain in custody from 17.09.2015.

6. Learned Public Prosecutor opposed the bail

application. She contended that the first accused is involved in 5 other cases of grave nature and the second petitioner is involved in 2 other cases where the offences are serious.

7. Considering the nature of the allegations and the stage of investigation, I am inclined to grant bail to the petitioners with the following conditions:

- (a) The petitioners shall be released on bail on executing a bond for ₹1,00,000/- (Rupees One Lakh Only) each with two solvent sureties each for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

- (c) The petitioners shall appear before the Investigating Officer on all Mondays and Saturdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (d) The petitioners shall not enter the limits of Kannur District for a period of three months except for the purpose of reporting to the Investigating Officer or attending the court.
- (e) The petitioners shall surrender their passports forthwith before the learned Magistrate. If they do not have passports, they shall file affidavit to that effect.
- (f) The petitioners shall not intimidate or attempt to influence the witnesses.
- (g) The petitioners shall not in any manner interfere or meddle with the investigation.
- (h) The petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail

granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge