

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. 7075 of 2015 ()

CRIME NO. 1288/2015 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT.

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PETITIONERS/ACCUSED:

- 1. HANNAN, S/O.ABDULLA, AGED 24 YEARS,
THALIKKARAN HOUSE, VADAKKUMBAD,
RAMANTHALI, PAYYANNUR, KANNUR DISTRICT.**
- 2. MUHAMMED ABDULLA, S/O.ABDULLA,
AGED 24 YEARS, ARUMADIYIL HOUSE, VADAKKUMBAD,
RAMANTHALI, PAYYANNUR, KANNUR DISTRICT.**
- 3. FAISAL M.P., S/O.SHAHUL HAMEED, AGED 20 YEARS,
MUNDEKKOL, PADINHAREPURAYIL HOUSE,
VADAKKUMBAD, RAMANTHALI, PAYYANNUR,
KANNUR DISTRICT.**

BY ADV. SRI.SUNNY MATHEW.

RESPONDENTS/COMPLAINANTS & STATE:

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

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.

Bail Appl. No.7075 of 2015

Dated this the 13th day of November 2015

O R D E R

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

2. Petitioners are accused nos.1 to 3 in Crime No.1288 of 2015 of Payyannur Police station registered for the offences punishable under Secs.323, 324 and 307 read with Sec.34 of the Indian Penal Code. Prosecution case is that on 17.09.2015 at about 06.30 p.m., while the defacto complainant was standing in front of a shop, the accused persons came on a motor bike and in furtherance of their common intention inflicted cut injuries on the defacto complainant by using dangerous weapons like sword, knife etc.

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

4. Learned Public Prosecutor opposed the bail application. It is submitted that the 1st petitioner is involved in four other crimes of grave magnitude and the

2nd petitioner is involved in one crime with a lesser magnitude. The 3rd petitioner is not involved in any other crime.

5. The wound certificate produced would show that the victim sustained multiple, lacerated and incised wounds on account of the attack.

Considering the nature of allegation, stage of investigation and the antecedents of the petitioners, I am not inclined to grant bail to the 1st petitioner. Hence, bail application as regards the 1st petitioner concerned is dismissed. The bail application as regards the 2nd and 3rd petitioners concerned is allowed with the following conditions.

i. The petitioners 2 and 3 shall be released on bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each 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. They 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. They shall surrender their passports before the lower court concerned or if they do not have the same, file affidavits to that effect.

vi. They shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

vii. They 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 /

NS/13/11/2015

P.A. To Judge