

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. 7077 of 2015

**CRIME NO. 1245/2015 OF PERINTHALMANNA POLICE STATION,
MALAPPURAM DISTRICT.**
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PETITIONER(S)/ACCUSED 3, 4 & 5:

- 1. IRSHAD, S/O.UMMER, AGED 19 YEARS,
AMBALAKKODAN HOUSE, ARAKKUPARAMBA,
KUTTIPULLI.P.O., MALAPPURAM DISTRICT.**
- 2. ABDUL BASHEER, S/O.ABDUL BASHEER,
AGED 20 YEARS, MANTHONI HOUSE,
MATTARAKKAL.P.O., MALAPPURAM DISTRICT.**
- 3. PRALEEN, S/O.BALAN, AGED 21 YEARS,
VATTAPARA HOUSE, MATTARAKKAL.P.O.,
MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
PERINTHALMANNA POLICE STATION,
MALAPPURAM DISTRICT, PIN - 679 322.**

BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED

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

mbr/

A. HARIPRASAD, J.

Bail Appl. No.7077 of 2015

Dated this the 13th day of November 2015

ORDER

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

2. Petitioners are accused nos.3 to 5 in Crime No.1245 of 2015 of Perinthalmanna Police station registered for the offences punishable under Secs.118 and 302 read with Sec.34 of the Indian Penal Code. Prosecution case is that on 03.10.2015 one Jaffer, a man with criminal antecedents, was shot by accused nos.1 and 2 while he was travelling on a motor bike. On receiving gun shot injuries, the victim succumbed. The allegation against the petitioners is that the 1st petitioner dropped accused nos.1 and 2 at the place of occurrence and the others informed accused nos.1 and 2 about the movements of the deceased.

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

4. Learned counsel for the petitioners

submitted that the deceased was a hardcore criminal and was a perpetual nuisance in that area and had lot of enemies. It is also submitted that the petitioners are innocent of all the allegations.

5. Learned Additional Director General of Prosecution opposed the bail application contending that the petitioners were also criminally responsible for the acts of accused nos.1 and 2.

The petitioners are in custody from 06.10.2015. Considering the nature of allegations, bail is granted to the petitioners with the following conditions.

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

v. The petitioners shall surrender their passports before the lower court concerned or if they do not have the same, file affidavits to that effect.

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

vii. The petitioners 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