

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. 7107 of 2015

CRIME NO. 400/2015 OF THALAPUZHA POLICE STATION, WAYANAD

PETITIONER(S)/ACCUSED 3 AND 4:

- 1. ASHIQUE RAHIMAN, AGED 22 YEARS,
S/O. KHASIM, ATHIKKAL HOUSE, KARULAYI P.O.,
MALAPPURAM DISTRICT.**
- 2. ASWANTH, AGED 20 YEARS
S/O. ASOKAN, PAREL METHHAL HOUSE, MANIYOOR,
KOZHIKODE DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. THE SUB INSPECTOR OF POLICE,
THALAPPUZHA POLICE STATION,
WAYANAD DISTRICT - 670 644.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

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

PJ

A. HARIPRASAD, J.

Bail Appl. No.7107 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. Petitioners are accused nos.3 and 4 in Crime No.400 of 2015 of Thalappuzha Police station registered for the offences punishable under Secs.341, 323, 506(i), 355, 308 and 294(b) read with Sec.34 of the Indian Penal Code and Sec.4 of the Kerala Prohibition of Ragging Act. The petitioners are students of Government Engineering College, Wayanad. Prosecution case is that on various dates, lastly on 28.10.2015, the petitioners and other accused, who are senior students in the college, attacked the junior students and ragged them in violation of the Act.

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

4. Learned counsel for the petitioner submitted that the petitioners are falsely implicated in this case. The only case is that one Sanal was attempted to be throttled by the senior students and he has no case that

he suffered any injury.

5. Learned Public Prosecutor opposed the bail application. It is contended that the petitioners are involved in other cases of similar nature. It is also submitted that the petitioners are under suspension.

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. One of the parents shall be an additional surety.

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 Saturdays between 10.00 a.m. and 11.00 a.m. until final report is filed.

v. They shall not enter the college campus except for attending the examination until charge is filed in this matter.

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 /
P.A. To Judge