

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Bail Appl..No. 7118 of 2015

CRIME NO. 729/2015 OF VELLAYIL POLICE STATION, KOZHIKODE

PETITIONER(S)/ACCUSED NO.9:

**K.V.ANAZ, AGED 21 YEARS,
S/O ABOOBACKER, KUNNAMVALLY HOUSE,
THAMARASSERY POST,
CHNUDALMUKKU, KOZHIKODE.**

BY ADV. SRI.VINOD VALLIKAPPAN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23-11-2015,
ALONG WITH BA.NO.7119/2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. Nos.7118 & 7119 of 2015

Dated this the 23rd day of November, 2015

COMMON ORDER

Applications for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioners in B.A.No.7119 of 2015 are accused 6 to 8 and petitioner in B.A.No.7118 of 2015 is the ninth accused in Crime No.729 of 2015 of Vellayil Police Station registered for offences punishable under Sections 143, 147, 148, 341, 324, 326 and 307 read with Section 149 of the Indian Penal Code. They seek bail.

3. Prosecution case, in short, is that on 24.09.2015 at 00.30 hours in the night, while the defacto complainant was standing by the side of a road to go to Medical College Hospital for taking treatment for the injury sustained by him in an earlier incident, the petitioners along with other accused came in three cars and as members of an unlawful assembly armed with deadly weapons like iron rod, sticks, etc. attacked him indiscriminately causing very serious injuries.

4. Heard the learned counsel for the petitioners and the learned Prosecutor.

5. Learned Prosecutor submitted that some of the petitioners

were arrested on 03.10.2015 and others on 19.10.2015.

Considering the stage of investigation and the fact that the petitioners are in custody for a long time, bail is granted to them with following conditions:

i. Petitioners shall be released on bail on each one of them executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 9.00 and 10.00 a.m until final report is filed.

iv. They shall surrender their passports before the learned Magistrate forthwith. If any of them does not have the passport, he shall swear to an affidavit showing that effect and submit it before the learned Magistrate having jurisdiction.

v. They shall not indulge in any offence while on bail.

vi. They 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 petitioners, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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