

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 7277 of 2015 ()

CRIME NO. 1078/2015 OF PAYANGADI POLICE STATION,KANNUR DISTRICT

PETITIONER/ACCUSED NO.1:

**MUHAMMED KUNHI @ MAMMUNHI @ PULI MAMMOONHI,
AGED 40 YEARS, S/O.K.V.HAMSA, KAVILEVALAPPIL HOUSE,
MADAYI AMSOM, MUTTAM, NHEKKI BAZAR,
KANNUR DISTRICT.**

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
(THE SUB INSPECTOR OF POLICE,
PAYANGADI POLICE STATION, CRIME NO.1078/2015),
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.7277 of 2015

Dated this the 2nd day of December, 2015

ORDER

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

2. First accused in Crime No.1078 of 2015 of Payyangadi Police Station registered for offences punishable under Sections 143, 147, 148, 341, 326 and 307 read with Section 149 of the Indian Penal Code is the petitioner. He seeks bail.

3. Prosecution case is that on 31.10.2015 at 16.00 hours, the accused persons formed themselves into an unlawful assembly, armed with weapons, attacked the defacto complainant on account of political rivalry. Petitioner inflicted a stab injury on the defacto complainant.

4. Heard both sides.

5. Learned Prosecutor opposed the bail application. She contended that the petitioner is an accused in another case which was transferred to the Long Pending Register.

6. Learned counsel for the petitioner submitted that the petitioner appeared before the court and now the matter is pending as C.C.No.1101 of 2015 before the Judicial First Class Magistrate Court, Payyannur.

Petitioner is in custody from 03.11.2015 onwards.

Considering the stage of investigation and antecedents of the petitioner, bail is granted to him with following conditions:

- i. Petitioner shall be released on bail on executing a bond for ₹50,000/- (Rupees fifty thousand 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. Petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.
- iv. He shall surrender his passport forthwith. If he does not have passport, he shall swear to an affidavit to that effect and submit it before the Magistrate having jurisdiction.
- v. Petitioner shall not indulge in any offence while on bail.
- vi. He 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 petitioner,

the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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