

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Bail Appl..No. 7310 of 2015 ()

CRIME NO. 1558/2015 OF CHAVAKKAD POLICE STATION, THRISSUR DISTRICT

PETITIONER(S)/ACCUSED 1 & 2:

- 1. FASALUL HAQ, AGED 47 YEARS,
S/O.ABDULLA, KALLAYIL HOUSE,
EDAKKAZHIYOOR P.O.THRISSUR - 680 515.**
- 2. FIROZ, AGED 42 YEARS,
S/O.ABDULLA, KALLAYIL HOUSE,
EDAKKAZHIYOOR P.O. THRISSUR - 680 515.**

BY ADV. SRI.P.RAMACHANDRAN

RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN -31.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A. No.7310 of 2015

Dated this the 25th day of November, 2015

ORDER

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

2. Accused 1 and 2 in Chavakkad Police Station Crime No.1558 of 2015 registered for offences punishable under Sections 323, 324 and 308 read with Section 34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act are the petitioners. They seek bail.

3. Prosecution case is that on 28.10.2015 at 3.30 p.m., the accused persons in furtherance of their common intention abused the defacto complainant and her husband, who is a member of the scheduled caste community by calling his caste name in public. Second accused hit the defacto complainant with an iron pipe and the first accused attempted to commit culpable homicide by inflicting a stab on the chest of him with a knife.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that petitioners are in custody from 28.10.2015 onwards.

6. Learned Prosecutor submitted that the investigation has

advanced to a considerable extent.

Considering the stage of investigation, bail is granted to the petitioners with following conditions:

i. Petitioners shall be released on bail on each one of them 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 Judge 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 Saturdays between 9.00 and 10.00 a.m until final report is filed.

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

v. 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.

cks