

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Bail Appl..No. 7342 of 2015

CRIME NO. 868/2015 OF PANDIKAD POLICE STATION, MALAPPURAM

PETITIONER(S)/ACCUSED:

- 1. ROUF, AGED 22 YEARS,
S/O.ABDULLA, KARIMPUZHA HOUSE, AMAKKAD,
PANDIKKAD, MALAPPURAM DISTRICT.**
- 2. SADIQ, AGED 23 YEARS,
S/O.IBRAHIM, KIZHAKKUMPARABAN HOUSE, AMAKKAD,
PANDIKKAD, 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,
PANDIKKAD POLICE STATION, MALAPPURAM DISTRICT.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A.No.7342 of 2015

Dated this the 26th day of November, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.868/2015 of Pandikkad Police Station, registered for the offences under Sections 332, 353 read with Section 34 of the Indian Penal Code and also under Section 3(1) of the Prevention of Damage to Public Properties Act.

3. It is the that on 07-11-2015, the petitioners were taken into custody. And when they were taken in a police jeep, they assaulted the officers by kicking and beating. They also caused damage to the computer, laser printer and chairs in the police station.

4. Heard the learned counsel for the petitioner and learned Public Prosecutor.

5. Learned counsel for the petitioner submitted that the prosecution case is totally false and they are not

involved in any offence. The learned public prosecutor opposed the bail application. She submitted that the computer and its accessories have been damaged causing a loss to tune of Rs.30,000.

6. Considering the nature of allegations and stage of investigation, I am inclined to grant bail to the petitioner with the following conditions:

- (a) The petitioners shall be released on bail on his executing a bond for `25,000/- (Rupees Twenty Five thousand only) with two solvent sureties for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioners shall appear before the Investigating Officer on all Saturdays between

10.00 a.m and 11.00 a.m. until the final report is filed.

- (d) The petitioners shall not intimidate or attempt to influence the witnesses.
- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) Petitioners shall not, during the period of this bail get involved in any offence.
- (g) Each Petitioners shall deposit Rs.15,000/- (Rupees Fifteen Thousand Only) before the Magistrate having jurisdiction within a period of two weeks from the date of release.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AVS

//TRUE COPY//

P.A. TO JUDGE