

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. 7365 of 2015 ()

**CRIME NO. 1245/2015 OF PERINTHALMANNA POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONERS/ACCUSED:

- 1. ASIFALI, AGED 28 YEARS, S/O. AMIRALI,
RESIDING AT MATTARACKAL NADATHALATHIL HOUSE,
MATTARACKAL POST, MALAPPURAM DISTRICT.**
- 2. ANSARALI, AGED 27 YEARS, S/O. AMIRALI,
RESIDING AT MATTARACKAL NADATHALATHIL HOUSE,
MATTARACKAL POST, MALAPPURAM DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANTS & STATE :

- 1. SUB INSPECTOR OF POLICE
PERINTHALMANNA POLICE STATION, MALAPPURAM DISTRICT.**
- 2. CIRCLE INSPECTOR OF POLICE
PERINTHALMANNA, MALAPPURAM DISTRICT**
- 3. STATE OF KERALA
(RESPONDENTS 1
2 & 3 REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN - 682 031)**

BY PUBLIC PROSECUTOR SRI. C. RASHEED

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

bp

A.HARIPRASAD, J.

B.A.No.7365 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 Nos.1 and 2 in Crime No.1245 of 2015 in Perinthalmanna Police Station registered under Sections 302, 118 read with Section 34 of the Indian Penal Code and Section 27(3) read with Section 7 of the Arms Act. It is alleged that on 02-10-2015, the petitioners in furtherance of their common intention committed murder of one Jaffer by shooting him with a country gun. It is further alleged that the parties were at loggerheads on account of the fact that the deceased had attempted to commit murder of the first petitioner during 2009.

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

4. Learned counsel for the petitioner contended that they remain in custody from 04-10-2015.

5. 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 `50,000/- (Rupees fifty 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) The petitioners shall surrender his passport before the Magistrate having jurisdiction. If he does not have a passport, he shall file an affidavit stating that fact.

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