

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937**

**Bail Appl..No. 7391 of 2015 ()**

**CRIME NO. 504/2015 OF VIDYANAGAR POLICE STATION, KASARAGOD DISTRICT**

**PETITIONER/ACCUSED NO.1 :**

**HAMSA , AGED 26 YEARS  
S/O. P.K. IBRAHIM, SCHOOL BANE, SUNDIKOPPE VILLAGE  
SOMARPETTA, KUDAKU DISTRICT.**

**BY ADV. SRI.V.TEKCHAND**

**RESPONDENT/COMPLAINANT/STATE :**

- 1. STATE OF KERALA  
REPERSENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, KOCHI - 31.**
- 2. STATION HOUSE OFFICER,  
VIDYA NAGAR POLICE STATION,  
KASARAGOD DISTRICT.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-11-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Mn**

**A.HARIPRASAD, J.**

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**B.A. No.7391 of 2015**  
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**Dated this the 27<sup>th</sup> day of November, 2015**

**ORDER**

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

2. First accused in Crime No.504 of 2015 of Vidyanagar Police Station registered for an offence punishable under Section 395 of the Indian Penal Code seeks bail.

3. Prosecution case, in short, is that on 21.09.2015 at about 13.00 hours, while the defacto complainant was travelling on a motor cycle, petitioner along with other accused pushed him down and attacked him. They robbed ₹15,80,000/- from the defacto complainant and thereby committed the offence.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner is in custody for the last 66 days.

6. Learned Prosecutor opposed the bail application contending that the investigation has not been completed. It is also submitted that the

accused is a person hailing from Karnataka and the chance of fleeing from justice cannot be ruled out.

Considering the nature of allegations, bail is granted to the petitioner with following conditions:

- i. Petitioner shall be released on bail on 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 be the persons permanently residing in the State of Kerala. 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 not indulge in any offence while on bail.
- v. He shall not influence or intimidate the witnesses or meddle with the investigation in any manner.
- vi. He shall not leave the limits of Kasaragod District for a period of three months or until the final report is filed, whichever is earlier.

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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