

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

Bail Appl..No. 7397 of 2015 ()

**CRIME NO. 913/2015 OF KOYILANDY POLICE STATION,
KOZHIKODE DISTRICT**

PETITIONERS/ACCUSED NO.1 TO 3 :

- 1. THOUFEER ALI, AGED 21 YEARS,
S/O.THAHA, KALARI THAREMMAL HOUSE, KAPPAD P.O.,
CHEMANCHERI VIA, KOYILANDY THALUK.**
- 2. ASKAR A.K.
S/O.HANEEFA, AGED 21 YEARS, AL-MUBARACK HOUSE,
KAPPAD P.O., CHEMANCHERI VIA, KOYILANDY THALUK.**
- 3. MOHAMMED AMEER H.M.,
S/O.ABDUL AZEES, AGED 21 YEARS, AZRA HOUSE,
KAPPAD P.O., CHEMANCHERI VIA, KOYILANDY THALUK.**

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-12-2015 ALONG WITH BA NO. 7978/2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A.Nos.7397 & 7978 of 2015

Dated this the 10th day of December, 2015

C O M M O N O R D E R

B.A.No.7397 of 2015 is filed under Section 438 of the Code of Criminal Procedure and B.A.No.7978 of 2015 is filed under Section 439 of the Code of Criminal Procedure

2. The second petitioner in B.A.No.7397 of 2015 (anticipatory bail application), who is the petitioner in B.A.No.7978 of 2015 (regular bail application) was arrested on 06.12.2015. The petitioners are accused in Crime No.913 of 2015 of Quilandy Police Station registered under Sections 341, 323, 324, 326, 308 and 506 r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that on 24.09.2015 at about 05.30 p.m., the accused persons attacked the defacto complainant in connection with a dispute relating to overtaking a vehicle on a public road and caused fracture of jaw bone of the defacto complainant by hitting with a stone.

4. Heard both sides.

5. Considering the nature of the allegations, I am inclined to grant anticipatory bail to the accused 1 and 3 with the following conditions:

- (a) The accused 1 and 3 shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on executing a bond for ₹25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The accused 1 and 3 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.
- (c) The accused 1 and 3 shall co-operate with the investigation of the case.
- (d) The accused 1 and 3 shall not intimidate or attempt to influence the witnesses.

- (e) The accused 1 and 3 shall not in any manner interfere or meddle with the investigation.
- (f) The accused 1 and 3 shall not, during the period of this bail get involved in any offence.

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.

6. Insofar as, second accused is concerned, I am inclined to grant bail to him with the following directions:

- (a) The 2nd accused 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 lower court 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 2nd accused 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 2nd accused shall not intimidate or attempt to influence the witnesses.
- (e) The 2nd accused shall not in any manner interfere or meddle with the investigation.
- (f) The 2nd accused shall not, during the period of this bail get involved in any offence.

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.

AS

/True Copy/

P.A. To Judge