

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

Bail Appl..No. 7519 of 2015 ()

CRIME NO. 1062/2015 OF CHOCKLI POLICE STATION, KANNUR DISTRICT.

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PETITIONER/1ST ACCUSED:

**NOUSHAD, S/O.MOIDU, AGED 26 YEARS,
SALESMAN, VALLITHAZHEKUNIYIL HOUSE,
KIDANHI P.O., THALASSERY TALUK.**

**BY ADVS.SRI.C.P.MOHAMMED NIAS,
SRI.S.AJITH (PALAKKAD),
SMT.V.NAMITHA.**

RESPONDENT/COMPLAINANT- STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. STATION HOUSE OFFICER,
CHOCKLI POLICE STATION,
THALASSERY, KANNUR-670 672.**

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.7519 of 2015

Dated this the 3rd day of December, 2015

ORDER

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

2. Second accused in Crime No.1062 of 2015 of Chokli Police Station registered for offences punishable under Sections 143, 147, 148, 323, 324 and 308 read with Section 149 of the Indian Penal Code is the petitioner. He seeks bail.

3. Prosecution case, in short, is that on 07.11.2015 the accused persons as members of an unlawful assembly attacked the defacto complainant with dangerous weapons. The first accused used an iron rod. This petitioner allegedly used a stick. Petitioner is in custody from 09.11.2015 onwards.

4. Heard both sides.

5. Learned Prosecutor opposed the application. According to her, the weapon of oppression used by the petitioner is recovered.

Considering the nature of allegations, I am inclined to grant bail to the petitioner. Therefore, the following order:

i. Petitioner shall be released on bail on 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 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. Petitioner shall appear before the Investigating Officer on all Saturdays between 10.00 and 11.00 a.m until final report is filed.

iv. Petitioner 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.

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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