

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

Bail Appl..No. 7664 of 2015 ()

CRIME NO. 765/2015 OF NADAPURAM POLICE STATION, KOZHIKODE DISTRICT

PETITIONER/ACCUSED NO. 1 & 2 :

- 1. BILAL T.P., AGED 18 YEARS
S/O. ASHRAF HAJI, THAZHEPALEL HOUSE,
PARAKKADAVU P.O., KOZHIKODE DISTRICT
PIN - 673 509.**
- 2. MUHAMMED SABIR K.K., AGED 18 YEARS
S/O. MOIDEEN, CHAMAPARAMBATH HOUSE, KUMMANKODE P.O.
KOZHIKODE DISTRICT, PIN- 673 506.**

**BY ADVS.SRI.JOHN MATHEW (THEREZHATHU)
SRI.JOBIN JOHN**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A.No.7664 of 2015

Dated this the 16th day of December, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 1 and 2 in Crime No.765 of 2015 of Nadapuram Police Station registered for offences punishable under Sections 143, 147, 148, 149, 323, 324 and 308 of the Indian Penal Code and Section 4 of the Prohibition of Ragging Act, 1998. They seek pre-arrest bail.

3. Petitioners along with other accused are students in a college. Prosecution case is that on 17.09.2015 at about 12.00 p.m., the petitioners along with other accused armed with weapons formed themselves into an unlawful assembly and attacked the defacto complainant. They ragged the first year students.

4. Heard both sides.

5. As per order on B.A.Nos.6714 and 7014 of 2015, this Court granted pre-arrest bail to other accused

persons. Petitioners also have parity with other accused persons. Hence, I am inclined to grant pre-arrest bail to the petitioners with the following directions:

- i. Petitioners shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation. Thereafter they shall execute 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. In that event, they shall be released on bail in Crime No.765 of 2015 of Nadapuram Police Station.
- ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find

out whether the sureties are solvent or not.

- iii. Petitioners shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.
- iv. Petitioners shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioners as if no order is passed.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. To Judge