

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. 7965 of 2015 ()

CRIME NO. 1072/2015 OF PATTAMBI POLICE STATION , PALAKKAD DISTRICT

APPLICANT(S)/ACCUSED NOS. 2 & 4:

- 1. THAHIR, AGED 30 YEARS,
S/O.MUHAMMED KUTTY, PARAMMAL HOSE,
ETHAPPADI, CHERUKODE, VALLAPUZHA.**
- 2. ABDUL NASAR, AGED 31 YEARS,
S/O.MUHAMMED, KALATHINGAL HOUSE, ETHAPPADI,
CHERUKODE, VALLAPUZHA.**

**BY SRI.P.VIJAYA BHANU,SENIOR ADVOCATE
ADVS. SRI.V.C.SARATH
SMT.MITHA SUDHINDRAN**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y

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

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A.HARIPRASAD, J.

B.A No.7965 of 2015

Dated this the 16th day of December, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioners are the accused Nos.2 and 4 in Crime No.1072/2015 of Pattambi Police Station registered for offences punishable under Section 308 r/w Section 34 I.P.C and Section 3(1) of Prevention of Damages to Public Property Act.

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

4. Prosecution case, in short, is that on 17-11-2015 at about 5.00 p.m., while the police party were conducting vehicle inspection, the car driven by the first accused without any registration number was intercepted. **Defying the signal to stop the vehicle, the accused persons attempted to mow down the police officers by using the car and away.** The Police suspected that they are involved in smuggling.

5. Second petitioner was arrested on 17-11-2015 and fourth petitioner was arrested on 20-11-2015. Investigation has advanced to a considerable extent. Hence, I am inclined to grant bail to the petitioners with following strict conditions :

1. The petitioners shall be released on bail on executing a bond for Rs.1,00,000/- each (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
2. 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.
3. The petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 09.00 and 10.00 a.m until final report is filed.
4. The petitioners shall not indulge in any offence while on bail.
6. The petitioners 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 petitioners,
the learned Magistrate is free to cancel bail without referring the
matter to this Court.

**A.HARIPRASAD,
JUDGE.**

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