

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Bail Appl..No. 8039 of 2015 ()

**CRIME NO. 1068/2015 OF PERINGOME POLICE STATION,
KANNUR DISTRICT**

PETITIONERS/ACCUSED NO. 1 TO 3 :

- 1. FAZAL S.P., AGED 31 YEARS,
S/O. K.HAMZA, FAZILA MANZIL, THAZHATH VAYAL,
PERUMBA P.O., PAYYANNUR.**
- 2. FAISAL A., AGED 34 YEARS,
S/O.ABDURAHIMAN, AYAR HOUSE, KAVVAYI HOUSE,
PAYYANNUR, KANNUR DISTRICT.**
- 3. A.G.SHAMSUDHEEN, AGED 30 YEARS,
AYAR HOUSE, KAVVAYI HOUSE, PAYYANNUR,
KANNUR DISTRICT.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031.**

BY PUBLIC PROSECUTOR SRI. C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A No.8039 of 2015

Dated this the 18th day of November, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are the accused Nos. 1 to 3 in Crime No.1068 of 2015 of Peringome Police Station registered for offences punishable under Sections 341, 342, 323, 324, 308 and 365 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that on 07-12-2015 at about 3.15 hours, the accused persons forcefully took the defact complainant, who was standing near the Payyannur Railway Station in a car and attacked him with a bottle. The accused persons threatened that they would finish off the defacto complainant.

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

5. Learned Public Prosecutor opposed the bail application. Learned counsel for the petitioners submitted that this is a counter blast to Crime No.1695/2015 registered by Payyannur Police under

Sections 354, 511 and 363 I.P.C. It is alleged as per Annexure A1 that on 07-12-2015, one girl complained that the defacto complainant in this case outraged the modesty and attempted to kidnap her. Wound certificate in the case diary shows that the defacto complainant sustained only very minor injuries. Considering the nature of allegations, I find that bail can be granted to the petitioners with following directions :

1. Petitioners 1 to 3 shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, they shall be released on bail on executing a bond for Rs.50,000/- each (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency. The Investigating Officer 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 Petitioners shall appear before the Investigating Officer on all Saturdays between 09.00 and 10.00 a.m until final report is filed.
4. Petitioners shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

amk

Sd/-
A.HARIPRASAD,
JUDGE.

// True copy//

P.A to Judge