

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Bail Appl..No. 8150 of 2015

CRIME NO. 1143/2015 OF VATAKARA POLICE STATION, KOZHIKODE
.....

PETITIONER(S)/ACCUSED NO. 3:

**SHAMNAD, AGED 25 YEARS,
S/O. KHADER, DAYAROTH, VALIYAVALLAPPU,
VATAKARA P.O., VATAKARA, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.PRASUN.S
SRI.PAUL MATHEW (PERUMPILLIL)
SRI.J.S.RAJESH BABU**

RESPONDENT(S)/COMPLAINANT STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031,
REPRESENTING THE SUB INSPECTOR OF POLICE,
VATAKARA POLICE STATION.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
23-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A No.8150 of 2015

Dated this the 23rd day of December, 2015.

ORDER

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

2. Petitioner is the third accused in Crime No.1143/2015 of Vatakara Police Station registered for offences punishable under Sections 323, 324, 341 and 307 r/w Section 34 I.P.C.

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

4. Prosecution case, in short, is that on 27-10-2015 at about 10.00 p.m., on account of previous enmity, the accused persons attacked the defacto complainant for having questioned the misbehaviour meted out to the sister of the defacto complainant. First accused stabbed the defacto complainant. Petitioner put sand on the eyes of the defacto complainant and the other accused attacked the defacto complainant.

5. Learned counsel for the petitioner submitted that as directed by this Court, petitioner surrendered before the trial court on 10-12-2015 and he is in custody thereafter. Investigation has advanced to a reckonable extend so far as the petitioner is concerned. Considering the nature of allegations and the number of days undergone in judicial custody, bail is granted to the petitioner with following strict conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees Fifty Thousand 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 petitioner shall appear before the Investigating Officer on all Saturdays between 09.00 and 10.00 a.m until final report is filed.

4. The petitioner shall not indulge in any offence while on bail.
6. The petitioner 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 learned Magistrate is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge

amk