

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. 8159 of 2015

CRIME NO. 1785/2015 OF PARAVOOR POLICE STATION , KOLLAM

PETITIONER(S)/3RD ACCUSED :

**NIYAS KHAN, AGED 19 YEARS,
S/O.KUNJUMON, HAJAR UMMAL MANZIL, NAIKATTUVILA,
KALLUMKUNNU, PARAVOOR VILLAGE, KOLLAM.**

BY ADV. SRI.M.R.SASITH

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 628 231.**
- 2. THE SUB INSPECTOR OF POLICE,
PARAVOOR POLICE STATION, KOLLAM- 695 502.**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

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

Msd.

A. HARIPRASAD, J.

Bail Appl. No.8159 of 2015

Dated this the 23rd day of December 2015

O R D E R

Bail application filed under Sec.439 Cr.P.C.

2. Petitioner is the 3rd accused in Crime No.1785 of 2015 of Paravoor Police station registered for the offences punishable under Secs.341, 323, 324 and 308 read with Sec.34 of the Indian Penal Code. Prosecution allegation is that on 23.10.2015 at about 11.30 p.m., the petitioner along with other accused persons restrained the defacto complainant and his friends. 1st accused stabbed on the neck of the defacto complainant with a broken bottle, 2nd accused inflicted blow on the back of the head of another person with a brick and accused nos.3 and 4 beat him with hands is the allegation.

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

4. Learned counsel for the petitioner submitted that the petitioner has been in custody from 23.10.2015

and bail may be granted to him.

5. Learned Public Prosecutor though opposed the bail application, I am of the view that the petitioner is entitled to get statutory bail since he has been in judicial custody for 60 days. Hence, bail is granted to the petitioner with the following conditions.

i. The petitioner shall be released on bail on his 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.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The lower Court need not insist on solvency certificate. Other documents revealing the solvency of the sureties can also be relied on.

iv. The petitioner shall appear before the Investigating Officer for interrogation on all Mondays and Thursdays between 10.00 a.m. and 11.00 a.m. until final report is filed.

v. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

vi. The petitioner shall not involve in any other offence during the period of bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/23/12/2015

P.A. To Judge