

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Bail Appl..No. 9184 of 2014 ()

CRIME NO. 1561/2014 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT

PETITIONERS/ACCUSED NO.1, 2 AND 4 :

- 1. M.ASHRAF
S/O. KADEEJA, AGED 44 YEARS
MUKRI HOUSE, CLERK, SABTM SCHOOL
THAYINERI, P.O. PAYYANNUR, KANNUR DISTRICT.**
- 2. C. ASHOKAN,
S/O. NARAYANAN, AGED 44 YEARS
THAYINERI, KAPPAD, P.O. PAYYANUR
KANNUR DISTRICT.**
- 3. A.K. BINOY,
S/O. BALAKRISHNAN K.,
AGED 29 YEARS, 'AMBADI', KARAYIL
PO. ANNUR, KANNUR DISTRICT.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI. N. SURESH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.SUDHEENDRA KUMAR, J.

Bail Application No.9184 of 2014

Dated this the 25th day of June 2015

O R D E R

The petitioners are accused Nos.1, 2 and 4 in Crime Nos.1561/2014 of Payyanur police station registered under Sections 143, 147, 148, 324, 341 and 452 read with Section 149 I.P.C.

2. The prosecution allegation is that on 6.12.2014 at 7.30 p.m., the petitioners and the other accused trespassed into the rented room of the *defacto complainant* and attacked him. The petitioners have filed this application

praying for the relief under Section 438 Cr.P.C.

3. Heard. Perused the Case Diary.

4. The learned Public Prosecutor has no serious objection in allowing the application.

5. It appears from the case diary that the only non-bailable offence alleged against the petitioner is the offence under Section 452 I.P.C. Considering the facts and circumstances of the case, including the submission of the learned Public Prosecutor, I am inclined to grant the relief under Section 438 Cr.P.C. in favour of the petitioners.

In the result, this application stands allowed and the respondent is directed to release the petitioners on bail in the event of their arrest in connection with Crime No.1561/2014 of Payyanur police station, on condition of

each of the petitioners executing a bond for Rs.30,000/- (Rupees thirty thousand only) each with two solvent sureties each, each for the like sum to the satisfaction of the Sub Inspector of Police, Payyannur Police Station before whom the petitioners shall surrender within ten days and subject to the following further conditions:

(i) The petitioners shall report before the Investigating Officer on every Monday between 9 a.m. and 11 a.m. for three months and thereafter, as and when required by the Investigating Officer for interrogation.

(ii) The petitioners shall not enter into the jurisdiction of Payyannur police station for three months without the leave of the learned

Magistrate, except for the purpose of reporting before the Investigating officer, as directed above.

(iii) The petitioners shall not get involved in any offence during the pendency of this case.

(iv) The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

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**B.SUDHEENDRA KUMAR,
JUDGE**

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/PA TO JUDGE /