
(2011) 09 KL CK 0045

In the High Court Of Kerala

Case No : Bail Application No. 6591 of 2011

Shamsu. H.K, Ummer. C.K. and Ramsheed. A.K.

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 16-09-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439

Penal Code, 1860 (IPC) — Section 143, 147, 148, 149, 153(A)

Citation : (2011) 09 KL CK 0045

Hon'ble Judges : V. Ramkumar, J

Bench : Single Bench

Advocate : M. Ramesh Chander, for the Appellant;

Judgement

V. Ramkumar, J.—In this Petition filed u/s 439 Code of Criminal Procedure., the Petitioners, who are accused Nos. 1 to 3 in Crime No. 803 of 2011 of Hosdurg Police Station for offences punishable under Sections 143, 147, 148, 341, 324, 427, 308, 153(A), 326 and 307 read with Section 149 I.P.C., seek their enlargement on bail. The Petitioners were arrested on 01/08/2011.

2. I heard the Learned Counsel for the Petitioners and the learned Public Prosecutor.

3. Having regard to the nature of the offences, the duration of judicial custody undergone by the 3rd Petitioner (Accused No. 3), the present stage of investigation of the case and the other circumstances of the case etc., I am inclined to grant bail to the 3rd Petitioner (Accused No. 3). Accordingly, the 3rd Petitioner (Accused No. 3) is directed to be released on bail on his executing a bond for Rs. 15,000/- (Rupees fifteen thousand only) with two solvent sureties each for the like amount to the satisfaction of the Court concerned and subject to the following conditions:

1. The 3rd Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays till the filing of the final report.

2. Except for the purpose of complying with Condition No. 1, the 3rd Petitioner shall not enter the limits of Hosdurg Police Station until further orders to be passed by the Court concerned.

3. The 3rd Petitioner shall not directly or indirectly make any inducement, threat or promise to any person who is acquainted with the facts of the case so as to dissuade him or her from disclosing any information to the Court or to the police or to any other person in authority.

4. The 3rd Petitioner shall make himself available for interrogation as and when required by the police at any time till the filing of the final report.

5. The Petitioner shall not establish any contact with any of the witnesses or accused in the case.

6. The 3rd Petitioner shall not influence or intimidate the prosecution witnesses or the victims nor shall he attempt to tamper with the evidence for the prosecution.

7. The 3rd Petitioner shall not commit any offence while on bail.

8. The 3rd Petitioner shall notify to the Court his place of residence before executing the bail bond.

If the 3rd Petitioner (Accused No. 3) commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

4. In so far as the 1st & 2nd Petitioners, who are accused Nos. 1 & 2, are concerned, having regard to the gravity of the offences, nature of the allegations levelled against these Petitioners, the relative conduct of the parties, the extent of the injury sustained, the propensities of the Petitioners, the sentiments of the near relatives of the victim and the other facts and circumstances of the case, I am of the view that if the 1st & 2nd Petitioners are released on bail, they will definitely influence and intimidate the prosecution witnesses. There is also the likelihood of the 1st & 2nd Petitioners making themselves scarce and fleeing from justice. I am, therefore, not inclined to grant bail to the 1st & 2nd Petitioners (Accused Nos. 1& 2) at this stage.

This Bail Application is disposed of.