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Ashraf Vs. State of Kerala

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Court : Kerala

Decided On : May-26-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Ashraf

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN MONDAY,THE26H DAY OF MAY20145TH JYAISHTA, 1936 Bail Appl..No. 3479 of 2014 () ---------- CRMC5792014 of SESSIONS COURT, MANJERI DATED3004-2014 CRIME NO. 516/2014 OF TANUR POLICE STATION , MALAPPURAM PETITIONER(S): ---------- 1. ASHRAF, AGED39YEARS, S/O.CHERIYA BAVA, KUNHEETTE PURAKKAL HOUSE, PUTHIYA KADAPPURAM, TANUR, MALAPPURAM DISTRICT.

2. NOORUDHEEN, AGED38YEARS, S/O.CHERIYA BAVA, KUNHEETTE PURAKKAL HOUSE, PUTHIYA KADAPPURAM, TANUR, MALAPPURAM DISTRICT.

3. KAUJAKUTTY, AGED60YEARS, W/O.CHERIYA BAVA, KUNHEETTE PURAKKAL HOUSE PUTHIYA KADAPPURAM, TANUR, MALAPPURAM DISTRICT.

4. SALMATH, AGED30YEARS, W/O.ASHRAF, KUNHEETTE PURAKKAL HOUSE PUTHIYA KADAPPURAM, TANUR, MALAPPURAM DISTRICT.

5. ISMAIL, AGED30YEARS, S/O.CHERIYA BAVA, KUNHEETTE PURAKKAL HOUSE PUTHIYA KADAPPURAM, TANUR, MALAPPURAM DISTRICT. BY ADV. SRI.K.K.MOHAMED RAVUF RESPONDENT(S)/COMPLAINANT: ---------- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2605-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ds N.K. BALAKRISHNAN, J.

---------- B.A. No. 3479 of 2014 ---------- Dated this the 26th day of May, 2014

ORDER

Petitioners are accused in Crime No.516/2014 of Tanur Police Station, Malappuram District. Offences alleged are under sections 143, 147, 148, 341, 323, 324, 354 and 452 r/w 149 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. Learned counsel for the petitioners submits that it is actually a counter blast to Crime No. 509/2014. The learned counsel further submits that, in fact, the complainant had attacked the 1st petitioner, his wife (4th petitioner) and their daughter Shehala and they sustained serious injuries.

3. Considering all the aspects the following directions are issued: B.A. No. 3479/2014 -2- The petitioners shall surrender before the Investigating Officer within ten days from today. After interrogation the accused shall be produced before the learned Magistrate. When applied for bail by the accused, the learned Magistrate will, considering the nature of the case, grant bail to the petitioners but on the following conditions: a. The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the

like sum to the satisfaction of the learned Magistrate. If in case the Magistrate has any doubt about the genuineness or correctness of the tax receipts produced by the sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds of the sureties. b. The petitioners shall make themselves available for interrogation by the Investigating Officer and shall appear B.A. No. 3479/2014 -3- before the Investigating Officer on all alternate Wednesdays between 9.30 AM to 11.30 AM until further orders. c. The petitioners shall surrender their original passports before the learned jurisdictional Magistrate. If they are not having any valid passport, they should file an affidavit regarding the same before the Magistrate. d. The petitioners will also file an affidavit that they will abide by all the conditions as mentioned above and that they will not commit any offence similar to the offence involved in this case and will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence. B.A. No. 3479/2014 -4- e. The petitioners shall not leave India without the prior permission of the learned Magistrate. f. The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to Judge jjj

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