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Ummer.B Vs. the State of Kerala

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Court : Kerala

Decided On : Sep-23-2014

Judge : Honourable Mr. Justice a.Hariprasad

Appellant : Ummer.B

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.HARIPRASAD TUESDAY,THE23D DAY OF SEPTEMBER20141ST ASWINA, 1936 Bail Appl..No. 6809 of 2014 () ---------- AGAINST THE COMMON

ORDER
IN CMP56462014 & 5946/2O14 of J.M.F.C.I, KASARAGOD DATED2508-2014. CRIME NO. 699/2010 OF KASARAGOD POLICE STATION , KASARGOD. PETITIONER(S)/ACCUSED3& 10 : ---------- 1. UMMER.B, AGED49YEARS, S/O.(LATE) MUHAMMEDKUNHI, CHJERANKAI HOUSE, NELLIKKUNNU BEACH ROAD, KASARAGOD TALUK.

2. V.ABOOBACKER @ AVUKKARNHI @ AVUKKAR @ BAKKAR, AGED40YEARS, S/O.(LATE) IBRAHIM, NOUSHFEEQ MANZIL, KANNAMKULAM, P.O. BEKAL, PALAKUNNU, KASARAGOD TALUK. BY ADVS.SRI.T.B.SHAJIMON SMT.GOVINDU P.RENUKADEVI.

RESPONDENT(S)/COMPLAINANT: ---------- THE STATE OF KERALA, REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.T.Y.LALIZA. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2309-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: amk A.HARIPRASAD, J.

---------- B.A No.6809 of 2014 ---------- Dated this the 23rd day of September, 2014.

ORDER

This is an application for regular bail filed under Section 439 Cr.P.C.

2. Petitioners are accused 3 and 10 in Crime No.699/2010 of Kasaragod Police Station registered under Sections 307 and 120B I.P.C and Section 3 r/w Section 25(I-B) (a) 27 of the Arms Act. Prosecution case is that on 25-06-2010 at about 19.45 hours, the accused with an intention to kill the defacto complainant or his father fired a gun shot. The accused thereby committed the aforesaid offences.

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

4. Learned Public Prosecutor opposed the bail application contending that the petitioners are members of an underworld gang. Learned counsel for the petitioners placed an B.A No.6809 of 2014 2 order in bail application No.5522/2014 dated 05-08-2014 passed by this Court for perusal, whereby the first accused was released on bail. It appears that the case against the third accused is similar to that of the first accused. Considering the facts and circumstances of the case, I grant bail to the petitioners with following strict conditions :

1. The petitioners shall be released on bail on executing a bond for Rs.1,00,000/- each (Rupees One Lakh only) with two solvent sureties each for the like sum each to the satisfaction of the Judicial First Class Magistrate Court-I, Kasaragod.

2. The sureties shall produce documents to establish their identity and solvency.

3. The petitioners shall appear before the Investigating Officer between 10.30 and 11.30 a.m on every Fridays for 3 months; or till the final report is filed, whichever is earlier.

4. The petitioners shall surrender their passports, if any. If they do not have a passport, they shall file an affidavit stating that fact before the B.A No.6809 of 2014 3 court below.

5. The petitioners shall not leave the revenue district of Kasaragod until the final report is filed except with the previous permission of the Investigating Officer concerned.

6. The petitioners shall not commit any offence while they are on bail.

7. The petitioners shall not influence or intimidate the witnesses. If they violate any of the conditions, the learned Magistrate is empowered to cancel the bail in accordance with law. Sd/- A.HARIPRASAD, JUDGE. amk //True copy// P.A to Judge

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