

Salamu vs State of Kerala

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Court : Kerala

Decided On : Jul-30-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./3905/2020

Appellant : Salamu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
THURSDAY, THE 30TH DAY OF JULY 2020 / 8TH SRAVANA, 1942
Bail Appl.No.3905 OF 2020 CRIME NO.695/2020 OF Chavakkad Police
Station , Thrissur PETITIONERS/ACCUSED 2 & 3: 1 SALAMU, AGED
34 YEARS, S/O KUHIMUHAMMED, PUZHANKARA ILLATH,
KURANJIYUR, EDAKKAZHIYUR VILLAGE, THRISSUR,PIN-680515. 2
MUHAMMED SIYAD, AGED 19 YEARS, S/O SHEBEER @ SHEJEER,
KATTIL HOUSE P.O, KURANJIYUR, EDAKKAZHIYUR
VILLAGE,THRISSUR,PIN-680515. BY ADV. SRI.M.R.SASITH
RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, ERNAKULAM, PIN-682031. OTHER PRESENT: SRI. AMJAD ALI, SR PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.07.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -2-

ASHOK MENON, J.

----- B.A. No. 3905 of 2020
----- Dated this the 30th day of July, 2020

O R D E R

This is an application for anticipatory bail.

2. The applicants are accused 2 and 3 in Crime No.695/2020 of Chavakkad Police Station, for having allegedly committed offences punishable under Sections 341,

324 and 308 read with Section 34 of the IPC. The prosecution case in brief is that on 03.06.2020 at about 2.30 PM, near Edakazhiyur Changadam Bridge, the applicants along with the 1st accused, due to enmity towards the defacto complainant, wrongfully restrained him in furtherance of common intention, and the 1st accused beat him with an iron pipe and accused 2 and 3 hit him on the back of head with sticks and thus attempted to commit culpable homicide.

3. The applicants contend that they are innocent and

the allegations are false and fabricated.

accused, who had attacked the injured with an iron rod, Custodial interrogation of the applicants is not necessary -3- and hence, they be released on pre-arrest bail.

4. Heard the learned Counsel for the applicants and the learned Public Prosecutor.

5. The attack of the defacto complainant with an iron rod was by the 1st accused. The allegation against the applicants is that they had beaten with sticks. The injuries are also caused mainly due to the attack with the

iron rod. The applicants do not have any criminal antecedents and they are willing to co-operate with the investigation, and I find no reason to subject them to custodial interrogation. There is no possibility of the applicants absconding.

6. Under the above circumstances, the application for

anticipatory bail is allowed and the

their being arrested, they shall be released on bail on execution of self bond for Rs.50,000/-(Rupees fifty thousand only) each, with two solvent sureties each for the like amount to the satisfaction of the Investigating Officer, and on the following conditions:

(i) They shall appear before the Investigating Officer as and when called for;

(ii) They shall not influence or intimidate witnesses or tamper with evidence; and

(iii) During the bail period, they shall not get involved -4- in any similar offences. In case of breach of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court. Sd/- ASHOK MENON
JUDGE dkr

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