

IN THE COURT OF THE II ADDL. SESSIONS JUDGE, KOLLAM.
Present: Sri. Roy Varghese, Addl. Sessions Judge-II, Kollam.
Thursday, the 10th day of November, 2022/ 19th Karthika, 1944 SE.

Crl.M.C. No.2235/2022

(Crime No.1006/2022 of Paravoor Police Station)

Petitioner : Muhammed Shafi, Aged 24 Years,
S/o.Shereef, Shafeeq Manzil, Meenadu
Kizhakkumkara Cherry, Chathanoor.P.O,
Meenadu Village, Kollam. (A1)

By Adv. Sri. I.K.Krishnakumar

Respondents : The State of Kerala, represented by the
S.H.O of Police, Paravoor Police Station
through the Public Prosecutor, Kollam.

Read the Crl. M.C. No.2235/2022 put in by the advocate for the
petitioner praying to enlarge the petitioner on bail U/s. 439. Cr.P.C.

Heard, perused the records and passed the following:-

ORDER

This is an application for regular bail filed by the 1st accused u/S. 439
of Cr.P.C. charged with offences punishable u/Ss. 294(b), 323, 324, 326 &
308 r/w Sec.34 of IPC in the Crime No.1006/2022 of Paravoor police
station.

2). The prosecution allegation is that on 16-10-2022 at 07:30 p.m., in furtherance of the common intention shared among the accused persons, while the defacto complainant was talking with his friends at Polachira Bridge, Chirakkarathazham Cherry in Chirakkara Village, the 1st accused hurling obscenities inflicted injuries on the back of a friend of the defacto complainant and the other accused persons beat the defacto complainant and his friends with twigs and the 1st accused again stabbed on the stomach of another friend of the defacto complainant and also inflicted stab injuries on the left thigh and below the knee of the defacto complainant with a knife, in an attempt to cause their death, and thereby the accused persons are alleged to have committed the aforementioned offences. The petitioners/ accused 1 to 3 have been arrested on 17/10/2022, produced before the Judicial First Class Magistrate's Court, Paravoor and remanded.

3). By this petition the 1st accused seeking bail, submitting that the major part of the investigation is almost completed and his further custody is not needed. In fact, the accused persons were falsely implicated in the crime only because they are DYFI activists. The defacto complainant is staying at about 3 kms from the place of occurrence. These petitioners are residing at

about 400 metres from there. They have no involvement in the injuries on the defacto complainant. They are innocent of the allegations levelled against him and it would be revealed on trial. It is also undertaken that he is willing to abide by any conditions stipulated.

4). The learned Public Prosecutor submitted the CD along with report opposing the bail application stating that the petitioner may abscond from the process of the Court if bail granted. There is also possibility of influencing the witnesses and tampering with the evidence. He has committed grave offences and sought for dismissal of the petition.

5). Heard both sides and perused the records. The statements of the witnesses recorded, the wooden piece and knife alleged to be used for the commission of the crime recovered, the scene mahazar prepared and the medical records received. The investigation of the case is almost completed.

6). Petitioner is already in custody since 17-10-2022 and have completed nearly 24 days. The custody of the petitioner not necessary for the trial of the case. A person cannot be kept in judicial custody as a matter of punishment, before trial. Accused person cannot be kept in custody as a

matter of punishment without full trial. All the allegations leveled are subject to judicial adjudication.

7). There is no criminal antecedents against this petitioner. The petitioner is aged 24 years. The accused 2 & 3 are on bail. This is the 2nd application for bail of the 1st accused.

8). The objection by the prosecution that the petitioner may repeat the offence, abscond and attempt to tamper with the evidence are just and reasonable. However, strict conditions can be imposed for ensuring his attendance and presence during trial. Accordingly, bail can be granted on conditions.

In the result, this application for bail is allowed in part and the petitioner/ 1st accused shall be enlarged on bail by the Judicial First Class Magistrate's Court, Paravoor or any other Magistrate concerned, on this petitioner executing bond for ₹.50,000/-, with two solvent sureties each for the like sum to the satisfaction of the Magistrate. This bail is granted subject to the following conditions:-

- (i) The petitioner/ 1st accused shall co-operate with the investigation of the case and shall report before the investigating officer on every Saturdays in between

09.00 a.m. and 11.00 a.m., commencing from 19-11-2022, till the final charge sheet is laid.

(ii) The petitioner/ 1st accused shall not threaten or influence the witnesses or tamper with the evidences of the crime.

(iii) He shall not involve in any similar offences while on bail.

Bail granted accordingly.

(Dictated to the Confidential Assistant, typewritten by her in the computer, corrected and pronounced in the Open Court by me on the 10th day of November, 2022).

Sd/-
Roy Varghese,
Addl. Sessions Judge-II

Copy to : The JFMC, Paravoor.
The S.H.O, Paravoor Police Station.

//True copy//

Sheristadar

Typed by : Asha Joseph.
Compared by : Latha.L