

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 30TH DAY OF DECEMBER 2014/9TH POUSHA, 1936

Bail Appl..No. 9014 of 2014 ()

CRIME NO. 2113/2014 OF ERNAKULAM TOWN NORTH POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED 1 TO 3:

- 1. ANSAR K.H, AGED 28 YEARS, S/O.HASSAN,
KALLAI HOUSE, DEVASWAM PARAMBU LANE,
KARUKAPPALLY.**
- 2. SAMAD.M.S, AGED 26 YEARS,S/O.SIDHIQUE,
MANAPPATTIPARAMBU, PAYYATTIL ROAD,
VENNALA-THYKAVU ROAD.**
- 3. SHAFEEQUE.N.H, AGED 38 YEARS,S/O.HAMSA,
NALADYTHUNDIL HOUSE, KALLOOR,
KOCHI.**

BY ADV. SRI.P.V.GEORGE(PUTHIYIDAM)

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
(SUB-INSPECTOR OF POLICE,
ERNAKULAM TOWN NORTH POLICE STATION),
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-12-2014, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No. 9014 of 2014

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Dated this the 30th day of December, 2014

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1 to A3 in Crime No.2113 of 2014 of the Ernakulam Town North Police Station, registered for the offences punishable under Sections 143, 147 and 353 read with Section 149 IPC.

3. The allegation against the petitioners is that when the defacto complainant Sub Inspector of Police questioned the petitioners and others, who were allegedly engaged in causing disturbance to women and other pedestrians under the influence of ganja, the petitioners along with 50 other accused had obstructed the discharge of the official duties by the defacto complainant.

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

5. The learned counsel for the petitioners has pointed out that in fact A1 and A2 were unnecessarily beaten up by the defacto complainant, without any reason while they were standing on the road and thereafter they got admitted at the hospital. When the matters became worst, the defacto complainant went to the hospital and got them discharged by force and unnecessarily a false case has been foisted against them. Considering the facts and circumstances of the case, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioners shall not tamper with the evidence or influence witnesses.

(ii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iii) The petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/30/12

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PA to Judge