

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

Bail Appl..No. 189 of 2015

CRIME NO. 192/2014 OF PUDUNAGARAM POLICE STATION, PALAKKAD DISTRICT.
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PETITIONER(S)/ACCUSED:

1. MUHAMMED ASLAM, S/O.ABBAS,
AGED 20 YEARS, ZAHARATH MANZIL,
THAVASSERY POST, ARAPUZHA.
2. AKALADI USMAN, AGED 44 YEARS,
S/O.VALIYAKATH HOUSE, AKALLOOR AMSOM,
LAKKIDIPEROOR, OTTAPALAM.
3. MUHAMMED SHAREEF, AGED 31 YEARS,
S/O.ABDUL RAHMAN, VELUTHEDATH MEKUTH,
KANJIRAKADAVU POST, OTTAPALAM.
4. MUHAMMED KASIM,
S/O.MUHAMMED KUTTY @ KUNJUMON,
AGED 34 YEARS, PALLIPARAMBIL HOUSE,
OTTAPALAM.

**BY ADVS.SRI.P.P.THAJUDEEN
SRI.MANSOOR.B.H.**

RESPONDENT(S)/COMPLAINANT/STATE:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031,
THROUGH STATION HOUSE OFFICER,
PUDUNAGARAM POLICE STATION,
PALAKKAD DISTRICT.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

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B.A. No. 189 of 2015

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Dated this the 12th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.912/2014 of the Pudunagaram Police Station registered for the offences punishable under Sections 143, 147, 341, 294(b), 323, 353 and 506(i) read with Section 149 IPC.

3. The allegation against the petitioners is that on 28.8.2014 at 3 p.m., they formed themselves into an unlawful assembly and pushed down the driver of the car of the de facto complainant-Food Inspector, and abused the de facto complainant and the driver and obstructed their official duties.

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

5. It seems that a wordy altercation had occurred between the driver who parked the car just in front of the hotel by blocking

all the other incoming vehicles to the hotel. The petitioners came over there and as they could not take their vehicle on account of the obstruction caused by the vehicle by which the Food Inspector came to the hotel, the wordy altercation had occurred. Apart from that, it does not reveal any other serious matter in the incident. No criminal antecedents have been reported against the petitioners. Considering the facts and circumstances of this case, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. 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 ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer

conducting arrest, and subject to the following terms and conditions:-

(i) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays, commencing from 19.3.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) 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