

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

Bail Appl..No. 253 of 2015 ()

Crl.MC 1824/2014 of SESSIONS COURT,MANJERI
CRIME NO. 464/2014 OF KALPAKANCHERY POLICE STATION , MALAPPURAM

PETITIONER/ACCUSED NO.1:-:

T.P.MUHAMMED KOYA, AGED 45 YEARS
S/O.AHAMMEDKUTTY, THEVARPARAMBIL HOUSE, KALPAKANCHERY
PUTHANATHANI, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE & COMPLAINANT:-:

-
1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.
 2. THE SUB INSPECTOR OF POLICE,
KALPAKANCHERY POLICE STATION, MALAPPURAM DISTRICT
PIN - 676 551.

R BY PUBLIC PROSECUTOR, SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
05-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.253 of 2015 B

Dated this the 5th day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the third accused in Crime No.464/2014 of Kalpakanchery police station, Malappuram district registered for the offences punishable under Sections 143, 147, 148, 341, 324, 326, 308, 354 and 448 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 23.6.2014 at 10.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and committed trespass into the court yard of the house of the de-facto complainant and beat the de-facto complainant and his father with

sticks and the first accused stabbed the de-facto complainant with a knife. It is also alleged that they had outraged the modesty of the wife of the de-facto complainant by pulling out her maxie.

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

5. The learned counsel for the petitioner has pointed out that the sister of the petitioner was given in marriage to the brother of the de-facto complainant, and had procured a residence order from the Court under the provisions of the Protection of Women from Domestic Violence Act and she was residing in that house. The husband of the sister of the petitioner, had married again during the subsistence of the said marriage. As there was forceful attempt to evict the petitioner's sister from the house, the petitioner and other accused had to interfere and the incident has occurred. A counter case also has been registered in the matter. The learned counsel for the petitioner has pointed out that all the other accused in the crime

were granted anticipatory bail by the learned Additional Sessions Judge. No overt acts have been alleged against the petitioner. There is no allegation that the petitioner had made use of any weapon or caused any injury. Considering the facts and circumstances of the case, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case as nothing has to be recovered in this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

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 petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.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 petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 12.2.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) The petitioner 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

dl

// TRUE COPY //

PA to Judge

