

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE SUNIL THOMAS**

**MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937**

**Bail Appl..No. 287 of 2015 ()**  
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**CRIME NO. 996/2014 OF EDAKKAD POLICE STATION, KANNUR DISTRICT**  
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**PETITIONER/ACCUSED NO. 8:**  
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**T.IRSHAD, S/O. HAMSA, AGED 19 YEARS,  
MARVA, KULAM BAZAR,  
MUZHAPPILANGAD, KANNUR.**

**BY ADV. SRI.P.M.HABEEB**

**RESPONDENT :**  
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**STATE OF KERALA,  
REP. BY STATION HOUSE OFFICER,  
EDAKKAD POLICE STATION, THROUGH PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT. LISHA.M.G**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**sts**

**SUNIL THOMAS, J.**

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**B.A. No. 287 of 2015**  
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Dated this the 13<sup>th</sup> day of July, 2015

**ORDER**

The 8<sup>th</sup> accused in Crime No. 996/2014 of Edakkad Police Station for offences punishable under Sections 143, 147, 148, 341, 323, 324, 452, 294(b), 354, 308, 427 r/w Section 149 I.P.C.

2. The allegation of the prosecution is that on 19.11.2014 at about 5 p.m, a group of 30 persons, including 14 identifiable persons trespassed into the house of the de facto complainant and caused bodily injuries on her. It is also alleged that they caused physical damage to the building also. Pursuant to the complaint lodged, crime was registered and police started investigating. The petitioner herein fears arrest and detention and consequently, this anticipatory bail application.

3. Heard the learned counsel for the petitioner and learned Public Prosecutor. Perused the records.

4. The records reveal that, though the petitioner herein was a member of the unlawful assembly, he has not committed any specific overt act. Of course, the guilt against the accused is sought to be established by including Section 143 I.P.C. The participation of the petitioner herein in the alleged crime is a matter to be established by the oral testimony of the eye witnesses.

5. The learned counsel for the petitioner invited my attention to the order in B.A. No. 280/2015 in Crime No. 990/2014 of the same Police Station for various offences including Section 326 I.P.C against the same group of persons. The learned counsel for the petitioner submits that it was in relation to the same chain of incident that the previous crime was also registered. The learned counsel for the petitioner vehemently contended that after having noticed the fact that the present crime

has also been registered, the judge has granted pre arrest bail in Crime No. 990/2014.

6. Having regard to all attending circumstances, including the fact that the petitioner is a 19 year old person, that except the present crime No. 990/2014, no other crime has been registered and that the allegation is that it arises out of political rivalry, I am inclined to grant pre-arrest bail.

7. The learned counsel for the petitioner submitted that in B.A. No. 280/2015, this Court had fixed a date for appearance, but due to the pendency of the present B.A., he could not execute the bail bond on the prescribed day and an application for enlargement of time has been filed and is pending.

Hence, the relief is moulded taking into consideration that fact also. I am inclined to grant pre arrest bail to the petitioner subject to the following conditions:

1. The petitioner shall appear before the Investigating

Officer on 23.07.2015 or on any other day which may be passed by the Court in B.A. No. 280/2015. He shall undergo interrogation and thereafter he shall be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for the like sum each.

2. The petitioner shall co-operate with the investigation and shall appear before the Investigating Officer as and when demanded by the Investigating Officer.
3. The petitioner shall not in any manner, threaten, coerce or intimidate the witnesses and shall not interfere with investigation process.

Sd/-  
**SUNIL THOMAS**  
**JUDGE**