

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

Bail Appl..No. 411 of 2015 ()

CRIME NO. 827/2014 OF BAKEL POLICE STATION, KASARAGOD DISTRICT

PETITIONER/ACCUSED :

ROUF @ ABDUL ROUF A.H., AGED 21 YEARS
S/O. HABEEBUL RAHIMAN, RAIBA MANZIL, UDMA WEST, P.O.UDMA
KASARAGOD DISTRICT.

BY ADV. SRI. K.P. HARISH

RESPONDENTS/STATE OF KERALA & COMPLAINANT :

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
2. THE STATION HOUSE OFFICER,
(CRIME NO.827 OF 2014 OF BAKEL POLICE STATION)
KASARAGOD DISTRICT.

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

B.KEMAL PASHA, J.

B.A.No.411 of 2015

Dated this the 3rd day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the 6th accused in Crime No.827/2014 of Bakel Police Station, Kasaragod district registered for the offences punishable under Sections 143, 147, 148, 324 and 308 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 23.10.2014 at 4.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like iron rod, cricket stumps etc. came by motor bike and Tata Nano Car, and staged an attack at Al Madeena Super market, Kalanad,

thereby smashed and destroyed soda bottles and some other bottles placed in the shop. It is alleged that they beat the de-facto complainant and others, thereby causing injuries to four persons.

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

5. According to the learned counsel for the petitioner, the petitioner is a M.B.A. final year student, who has to attend his examinations during this month and that he is not a person involved in this incident. It has come out that accused 1, 2, 3, 7, 10, 14 and 15 have been enlarged on bail in this case. It is true that they were arrested, detained and enlarged on bail. It seems that the investigation of this case is practically over. I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. Considering the fact that the petitioner has to appear for the final year M.B.A. examination during this month, 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 Tuesdays and Fridays, commencing from 10.2.2015 for a period of six months.

(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

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PA to Judge