

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Bail Appl..No. 672 of 2015 ()

CRIME NO. 13/2015 OF MANJERI POLICE STATION, MALAPPURAM DISTRICT

PETITIONERS/ACCUSED :

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1. KOZHISSERI NAZAR, AGED 32 YEARS
SON OF MOOSSAN, KOZHISSERY HOUSE, P.O.MANJAPPATTA
MALAPPURAM DISTRICT.
 2. KANNIYAN ABDU RAHEEM, AGED 36 YEARS
SON OF MOIDEEN, KANNIYAN HOUSE, P.O.MANJAPPATTA
MALAPPURAM DISTRICT.
 3. SYED ABDUL KAREEM THANGAL, AGED 37 YEARS
SON OF MOHAMMED KOYATHANGAL, VALIYATHATHODUVIL HOUSE
P.O.MANJAPPATTA, MALAPPURAM DISTRICT.

BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S. THAMPI

RESPONDENTS/COMPLAINANT & STATE :

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1. THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION, MANJERI, MALAPPURAM DISTRICT
PIN-676121.
 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

R1 & R2 BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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B.KEMAL PASHA, J.

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B.A. No.672 of 2015
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Dated this the 30th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.13/2015 of the Manjeri Police Station, Malappuram registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners is that on 01.01.2015 at 11 p.m., they wrongfully restrained the defacto complainant and his elder brother, who were riding on a motorbike, and attacked them. It is alleged that the first accused beat the brother of the defacto complainant with an iron rod. When the defacto complainant intervened for his rescue, the 2nd accused beat him with an iron rod and the other accused have slapped, fisted and stamped the

defacto complainant and his brother.

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

5. It seems that Crime No.76/2015 of the said Police Station was also registered in respect of the incident. The version of the petitioners relating to the incident in Crime No.76/2015 is that while the defacto complainant in that case, who is the first accused in the present case, was driving his autorickshaw, he was terribly attacked by the defacto complainant in this case, along with another injured person in this case. It seems that A1 and A2 have also sustained injuries in the incident. Investigation of this case reveals that the defacto complainant herein had made regular visit to the house of the 2nd accused, in his absence, and it is alleged that he frequently used to make sexual overtures towards the wife of the 2nd accused, and that was the reason why the incident had occurred. The investigation has revealed that A2 herein and the defacto complainant

were once friends and the defacto complainant continued that relationship with that house even in the absence of the 2nd accused. No criminal antecedents have been reported against the petitioners. The contents of the CD reveal that the investigation of this case is practically over. This is not a case wherein custodial interrogation of the petitioners is required for the continued investigation of the case. Having regard to the period undergone by the petitioners in custody, the present stage of investigation and the absence of any criminal antecedents on their part, I am of the view that the petitioners can be enlarged on bail.

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 Mondays and Thursdays commencing from 06.04.2015 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

ul/-

[True copy]

P.S. to Judge