

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. 687 of 2015 ()

CRIME NO. 51/2015 OF TALIPARAMBA POLICE STATION, KANNUR DISTRICT

PETITIONERS/ACCUSED NO. 1 TO 7:

1. KHALEEL,
S/O.ASSAINAR, AGED 24 YEARS
MALIKKANTAKATH HOUSE, PERUVANA, KOOVERI AMSOM
TALIPARAMBA TALUK, KANNUR DISTRICT.
2. ISMAIL,
S/O. SALI, AGED 21 YEARS
KUNNATH CHARANTAKATH HOUSE, PERUVANA, KOOVERI AMSOM
TALIPARAMBA TALUK, KANNUR DISTRICT.
3. RIYAS,
S/O. MUSTHAFA, AGED 21 YEARS
CHEENAYI PUTHIYAPARAMBIL HOUSE, PERUVANA
KOOVERI AMSOM, TALIPARAMBA TALUK,
KANNUR DISTRICT
4. NOUFAL,
S/O. MUSTHAFA, AGED 22 YEARS
MALIKKANTAKATH HOUSE, PERUVANA, KOOVERI AMSOM
TALIPARAMBA TALUK, KANJUR DISTRICT.
5. SOOFIYAN,
S/O. MAHAMOOD, AGED 20 YEARS
OLIYANTAKATH CHAPPAN HOUSE, PERUVANA
KOOVERI AMSOM, TALIPARAMBA TALUK
KANNUR DISTRICT
6. NABEEL,
S/O. MOIDU, AGED 21 YEARS
KEERANTAKATH HOUSE, PERUVANA, KOOVERI AMSOM
TALIPARAMBA TALUK, KANNUR DISTRICT.
7. LATHEEF,
S/O. KHADER, AGED 21 YEARS
KIZHAKKEPURAYIL HOUSE, PERUVANA, KOOVERI AMSOM
TALIPARAMBA TALUK, KANNUR DISTRICT

BY ADVS.SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA THROUGH S.H.O.
TALIPARAMBA POLICE STATION
KANNUR DISTRICT.**

BY PUBLIC PROSECUTOR SMT. M.G. LISHA

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

Mn

SUNIL THOMAS, J.

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B.A.No.687 of 2015

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Dated this the 13th day of July, 2015

ORDER

Petitioners are accused 1 to 7 in Crime No.51 of 2015 of the Taliparamba Police Station for offences punishable under Sections 143, 147, 148, 341, 323, 324 and 326 r/w Section 149 of the Indian Penal Code.

2. The allegation of the prosecution is that on 06.01.2015 at 10.15 a.m., accused formed an unlawful assembly and intercepted the autorikshaw in which the de facto complainant was travelling. Thereafter, he was beaten up with an iron rod and wooden stick. He sustained fracture injury and was taken to the hospital. On laying the FIS, crime was registered. Apprehending arrest, accused have approached this Court seeking pre-arrest bail.

3. Heard both sides and examined the records.

4. Learned counsel for the petitioners submits that in fact the de facto complainant had attacked the petitioners and caused bodily injuries. To substantiate it, learned counsel relied on Annexures-A2 to A5. These are wound certificates which show

that some of the petitioners had sustained minor injuries on the body. However, they have gone to the hospital on the same day only at about 1.40p.m. On the other hand, the wound certificate of the de facto complainant indicates that he had sustained fracture injury on the third metacarpal. His version shows that accused 1 and 5 have used wooden rod and second accused used an iron rod. The remaining accused are alleged to have fisted and kicked him. However regarding those, the wound certificate does not specifically disclose any injury. There is also nothing on record to show that petitioners herein are involved in any other previous crime. Considering the entire facts, I feel that accused 1, 2 and 5 who have allegedly used the weapons are not entitled for the benefit of pre-arrest bail. The remaining accused can be granted pre-arrest bail subject to conditions.

Hence the application is allowed in part as follows:

(i) Anticipatory bail application of accused 1, 2 and 5 are rejected. In the light of the submission of the learned counsel for the above petitioners that they may be permitted to surrender before the Investigating Officer, it is clarified that they are free to surrender before the Investigating Officer. In the event of their surrender, they shall be produced before the concerned

magistrate at the earliest.

(ii) Anticipatory bail application of the remaining petitioners (accused 3, 4, 6 and 7) are allowed on the following grounds.

(a) Each of the remaining petitioners shall appear before the Investigating Officer on 22.07.2015 between 10 a.m. and 11 a.m. and shall undergo interrogation. After interrogation, in the event of their arrest, each of the petitioner shall be released on bail on executing bond for Rs.30,000/- (Rupees thirty thousand only) each with two sureties each for the like sum each.

(b) They shall not interfere in the process of investigation, threaten, coerce or intimidate the witnesses.

(c) They shall appear before the Investigating Officer as and when called for.

Sd/-
SUNIL THOMAS
Judge

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