

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Bail Appl..No. 719 of 2015

CRIME NO. 752/2014 OF NEW MAHE POLICE STATION, KANNUR DISTRICT.
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PETITIONER(S)/ACCUSED NO.1,3,5 AND 7:

1. K.VINOD, S/O.KUMARAN, AGED 42 YEARS,
CONTRACTOR, RESIDING AT "HARISREE",
MEETHALEVAYAL, P.O.PARAL,
KODIYERI VILLAGE, THALASSERY - 670 103.
2. K.M.MISTHAVUDHEEN ALIAS MITHU,
S/O.MAHAMOOD, AGED 25 YEARS, PAINTER,
RESIDING AT "AL FAJAR", KALLIL THAZHA, P.O.PARAL,
KODIYERI VILLAGE, THALASSERY - 670 103.
3. A.VIJEESH, S/O.NANU, AGED 35 YEARS,
RESIDING AT ANUPAMA HOUSE, P.O.PARAL,
KODIYERI VILLAGE, THALASSERY - 670 103.
4. NIGIL MOHAN, S/O.MOHANAN, AGED 23 YEARS,
RESIDING AT 'MOHANAGEETHAM', P.O.PARAL,
KODIYERI VILLAGE, THALASSERY - 670 103.

BY ADV. SRI.R.SURENDRAN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

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B.A. No.719 of 2015

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Dated this the 18th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1, A3, A5 and A7 in Crime No.752 of 2014 of the New Mahe Police Station, Kannur, registered for the offences punishable under Sections 143, 147, 148 and 332 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that they, who are the sympathizers of two political parties, were engaged in settling scores each other, on the road by pelting stones each other. The Police party under the leadership of the defacto complainant came over there and intervened in the incident for disbursing the said unlawful assembly. At that time, the said the Police party was attacked and discharge of their official duties were deterred.

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

5. No criminal antecedents have been reported against the petitioners. No specific overt acts are alleged against any

of the petitioners. Considering the facts and circumstances of the case, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, this is a fit case, wherein anticipatory bail can be granted to the petitioners.

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 Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each 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 09.00 a.m. and 11.00 a.m. on all Wednesdays and Saturdays commencing from 25.02.2015 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

DSV/18/2/15

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P.A. To Judge