

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

Bail Appl..No. 813 of 2015

CRIME NO. 48/2015 OF CHOKLI POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED NO.1, 3 & 6:

1. RAFNAS N.P., AGED 21 YEARS
S/O.RASHEED, RESIDING AT NHETIPRATH HOUSE, 1
PULIYANAMBRAM, KARIYAD PANCHAYATH, PIN -670 675.
2. MUNAS K.K, AGED 20 YEARS,
S/O.NOUSHAD, PUNATHIL, PULIYANAMBRAM
KARIYAD PANCHAYATH, PIN - 670 675.
3. NASEEF N.P, AGED 20 YEARS,
S/O.MUSTHAFA O, OTHAYOTH, KARIYAD
KARIYAD P.O, PERINGATHUR, KANNUR - 673 316.

BY ADV. SRI.C.KHALID

RESPONDENT(S)/COMPLAINANT/STATE:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM -682 031.
2. THE STATION HOUSE OFFICER
CHOKLI POLICE STATION, KANNUR DISTRICT-670001.

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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B.A. No. 813 of 2015

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Dated this the 24th day of February, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.48/2015 of the Chokli Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 IPC.

3. The allegation against the petitioners is that on 16.01.2015 at 5.15 p.m., they formed themselves into an unlawful assembly, armed with deadly weapons like iron rods and sticks, and attacked the de facto complainant and his friends. It is alleged that the second accused inflicted a blow aimed at the head of the de facto complainant with an iron rod, and the de facto complainant swiftly evaded it, and thereby he did not sustain an injury, and otherwise his death would have been resulted.

4. Heard the learned counsel for the petitioners and the

learned Public Prosecutor.

5. The learned counsel for the petitioners has pointed out that the petitioners were injured in the incident for which Crime No.50/2015 of the said police station has been registered for the offences punishable under Sections 143, 147, 148, 323 and 324 read with Section 149 IPC. The learned counsel for the petitioners has pointed out that it is a case wherein two student groups were involved in a quarrel which has culminated in the incident. No serious injuries have been caused to any of the persons; whereas at the most, the offence that could be invited is one under Section 324 IPC. Considering the facts and circumstances of this case, and the contents of the C.D., I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

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 Tuesdays and Fridays, commencing from 03.03.2015 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

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P.A to Judge