

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Bail Appl..No. 836 of 2015 ()

CRIME NO. 3887/2014 OF KODUNGALLUR POLICE STATION, THRISSUR DISTRICT

PETITIONER/ACCUSED 1 :

FASAL, AGED 27 YEARS
SON OF ISMAIL, ERAMANGALAM HOUSE,
KANDAMKULAM DESOM, METHALA VILLAGE,
KODUNGALLUR TALUK.

BY ADVS.SRI.P.M.ABDUL JALEEL (KODUNGALLUR)
SRI.K.SHAMEER MOHAMMED
SRI.T.V.SHAJI

RESPONDENT/COMPLAINANT :

STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE
KODUNGALLUR POLICE STATION THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682031.

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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B.KEMAL PASHA, J.

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B.A. No. 836 of 2015

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Dated this the 24th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.3887/2014 of the Kodungallur Police Station, Thrissur District, registered for the offences punishable under Sections 143, 147, 148, 341, 294(b), 324 and 308 read with Section 149 IPC and Section 27 of the Arms Act.

3. The allegation against the petitioner and the other accused is that on 25.12.2014 at 1.00 a.m., they formed themselves into an unlawful assembly armed with deadly weapons like iron pipe, and they abused the de facto complainant and his friend Sooraj. It is alleged that the petitioner inflicted a blow aimed at the head of the de facto complainant with the iron pipe and the same was warded off by Sooraj.

4. Heard learned counsel for the petitioner and learned

Public Prosecutor.

5. The learned counsel for the petitioner has pointed out that a counter case has also been registered in connection with this incident as crime No.389/2014 of the Kodungalloor Police Station for the very same offences. In the said case, the de facto complainant is A5 and the said Sooraj is A4. The contents of the C.D do not show that the petitioner has caused any injury on the body of the de facto complainant. Considering the facts and circumstances of the case, and the present stage of investigation, 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 ₹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 31.3.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(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

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P.A to Judge