

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Bail Appl..No. 886 of 2015 ()

CRIME NO. 77/2015 OF AREACODE POLICE STATION, MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED NOS.4, 6 TO 9 AND 11:

1. LUKUMAN MASLIARAKATH, S/O.KAREEM,
AGED 33 YEARS, THACHANNA, MAITHRA (PO),
MALAPPURAM DT.
2. NOUSHAD MANNUKKADAVAN,
S/O.ABDURAHIMAN, AGED 26 YEARS,
MANNUKKADAVAN HOUSE, THACHANNA,
MAITHRA (PO), MALAPPURAM (DT)
3. KABEER KONNOTH, S/O.ABDULLA, AGED 42 YEARS,
KONNOTH HOUSE, THACHANNA,
MAITHRA (PO), MALAPPURAM (DT).
4. NOUSHAD KARIKKADAN, S/O.MUHAMMED, AGED 34 YEARS,
KARIKKADAN HOUSE, THACHANNA,
MAITHRA (PO), MALAPPURAM (DT).
5. NASEEM KORALIYADAN,S/O.SHAIK ALI,
PARAMMAL HOUSE, THACHANNA,
MAITHRA (PO), MALAPPURAM (DT).
6. HAMZA KURUKKAN, S/O.SAIDALAVI, AGED 50 YEARS,
KURUKKAN HOUSE, THACHANNA,
MAITHRA (PO), MALAPPURAM (DT)

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENT/COMPLAINANT:

**STATE OF KERALA BY SUB INSPECTOR OF POLICE,
AREACODE POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-03-2015,ALONG WITH BA.NO.1347 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

sts

B.KEMAL PASHA, J.

B.A.Nos.886 and 1347 of 2015

Dated this the 18th day of March 2015

ORDER

Petitions under Section 438 Cr.P.C.

2. Petitioners in B.A.No.886 of 2015 are accused Nos.4, 6, 7, 8, 9 and 11, and in B.A. No.1347 are accused Nos.2, 3, 5 and 10 respectively in Crime No.77/2015 of Areecode Police Station, Malappuram district registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 of the I.P. C.

3. The allegation against the petitioners and the other accused is that on 18.1.2015 at 8.15 p.m., they along with around 40 other persons, formed themselves into an unlawful assembly armed with deadly weapons like iron rod, wooden reaper etc. and and attacked the *de-facto complainant* and his associates forming a separate group among the Muslims in the locality. It is alleged that

the *defacto complainant* and his associates were beaten up with iron rods and wooden reapers, thereby causing injuries.

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

5. It seems that between two factions among the members of the Muslims in the locality a trivial incident had occurred, in which both the sides had suffered some injuries. Crime Nos.77 and 76 of 2015 were registered for the very same offences. Considering the facts and circumstances of these cases, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. In the result, these bail applications are allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge these 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) These petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays, commencing from 25.3.2015 for a period of six months.

(ii) These petitioners shall not tamper with the evidence or influence witnesses.

(iii) These petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) These 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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PA to Judge