

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Bail Appl.No. 912 of 2015

CRIME NO. 7/2015 OF VALAYAM POLICE STATION, KOZHIKODE
.....

PETITIONER(S)/ACCUSED NOS.A5 TO A8:

1. RASHID, S/O.AMMED AGED 24 YEARS,
PADIKKAL HOUSE, VALAYAM, NADAPURAM,
KOZHIKODE DISTRICT.
2. NAZER, S/O.IBRAHIM,
EDAKKANDY HOUSE, VALAYAM, NADAPURAM,
KOZHIKODE DISTRICT.
3. SHOUKATH, S/O.MOOSA HAJI, AGED 34 YEARS,
PUZHANGALERI, VALAYAM, NADAPURAM,
KOZHIKODE DISTRICT.
4. SHOUKATH, S/O.ABDULLA, AGED 20 YEARS,
CHELLATTANKANDY HOUSE, VALAYAM, NADAPURAM,
KOZHIKODE DISTRICT.

**BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN**

RESPONDENT(S)/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY STATION HOUSE OFFICER,
VALAYAM POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-682 031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

B.A.No.912 of 2015 D

Dated this the 25th day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.5, 6, 8 and 7 respectively in Crime No.7/2015 of Valayam Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 324 and 308 read with Section 149 of the I.P. C.

3. This is a part of the continued factional feud between two groups among the Muslims in a particular locality, allegedly the followers of two self proclaimed leaders of the community, in fact, without any ideology at all. The so called ideology has been taken into the streets and the two groups are engaged in continued frequent violence in streets. As a part of such factional feud, the incident in question had occurred on 3.1.2015 at 9.15 p.m.,

unfortunately on the birthday of the holy Prophet. Two crimes were registered for the very same offences. It seems that crime No.8/2015 of Valayam police station is registered as a counter case, in which all the accused were granted anticipatory bail by the learned Additional Sessions Judge. The Sessions Judge, by whom the present matter was handled refused to grant anticipatory bail to the petitioners herein.

4. Much discussion is not required to conclude that when, for the very same offences, the accused in crime No.8/2015 were granted anticipatory bail, the petitioners herein also can be granted anticipatory bail.

5. 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 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 Wednesdays and Saturdays, commencing from 4.3.2015 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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PA to Judge