

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

Bail Appl..No. 936 of 2015 ()

CRIME NO. 87/2015 OF NATTUKKAL POLICE STATION, PALAKKAD DISTRICT.

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PETITIONERS/ACCUSED NO.1, 3, 4, 6 & 7:

- 1. PADUVAMPADAN ALI, AGED 52 YEARS,
S/O.LATE UMMER, RESIDING AT PADUVAMPADAN HOUSE,
EDATHANATTUKARA, MANNARKKAD P.O., PALAKKAD DISTRICT.**
- 2. CHAKKANTHODI SAKEER HUSSAIN, AGED 41 YEARS,
S/O.ABOO, CHAKKANTHODI HOUSE, EDATHANATTUKARA,
MANNARKKAD P.O., PALAKKAD DISTRICT.**
- 3. CHATHURALA SAKEER, AGED 43 YEARS,
S/O.CHATHURELA HAMZA, MANNARKKAD P.O.,
PALAKKAD.**
- 4. NICHIKKATT FASEELA, AGED 35 YEARS,
W/O.ALI AKBAR, NICHIKKATT HOUSE, EDATHANATTUKARA,
MANNARKKAD P.O., PALAKKAD DISTRICT.**
- 5. SAMEERA, AGED 32 YEARS,
W/O.CHAKKANTHODI SAKEER HUSSAIN,
AGED 41 YEARS, S/O.ABOO, CHAKKANTHODI HOUSE,
MANNARKKAD, PALAKKAD.**

**BY ADVS.SRI.C.KHALID,
SRI.PHIJO PRADEESH PHILIP.**

RESPONDENTS/COMPLAINANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE STATION HOUSE OFFICER,
NATTUKAL POLICE STATION, MANNARKKAD,
PALAKKAD DISTRICT- 678 601.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A. No. 936 of 2015

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Dated this the 26th day of February, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioners are A1 to A3, A6 and A7 in Crime No.87/2015 of Nattukkal Police Station, Palakkad District, registered for the offences punishable under Sections 143, 147, 148, 149, 323, 341, 427 and 452 read with Section 149 IPC.

3. The allegation against the petitioners and the other accused is that on 06.02.2015 at 12.40 p.m., they formed themselves into an unlawful assembly, armed with deadly weapons like sticks and stones, committed trespass into the Darussalam Masjid at Edathanattukara and attempted to obstruct the *Kuthuba* and smashed the glass of the window panes by pelting stones, thereby causing a wrongful loss of ₹25,000/- to the Mosque.

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

5. The learned counsel for the petitioners has pointed out that this is a case registered as counter to Crime No.86/2015 of the Nattukkal Police Station and all the accused in the said case were granted anticipatory bail by the Sessions Court. The only non-bailable offence alleged in the present case is the one under Section 452 IPC, and it seems doubtful whether that offence can be attracted. Considering the facts and circumstances of this case, and the fact that in the main case, all the accused were granted anticipatory bail, I am of the view that the petitioners also can be granted anticipatory bail.

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 Thursdays and Mondays, commencing from 05.03.2015 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

