

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No. 1000 of 2015 ()

CRIME NO. 88/2015 OF SREEKRISHNAPURAM POLICE STATION, PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED:

- 1. SHAMSIR, AGED 29 YEARS,
S/O.MUSTHAFA, THOTTIYIL HOUSE, AMMATTIYIL,
CHERAYA P.O., KONGAD, PALAKKAD-678 631.**
- 2. SHARAFUDHEEN, AGED 26 YEARS,
S/O.MUSTHAFA, THOTTIYIL HOUSE, AMMATTIYIL,
CHERAYA P.O., KONGAD, PALAKKAD-678 631.**

**BY ADVS.SRI.T.B.HOOD
SMT.M.ISHA**

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
SREEKRISHNAPURAM POLICE STATION, PALAKKAD-679 513,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
KOCHI-682 031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-03-2015, ALONG WITH BA.NO. 1129/2015 AND BA.NO. 1232/2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A.Nos.1000, 1129 & 1232 of 2015

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Dated this the 23rd day of March, 2015

ORDER

Petitions filed under Section 438 Cr.P.C.

2. Petitioners in B.A.No.1000 of 2015 are A5 and A10, petitioners in B.A.No.1129 of 2015 are A2 and A3 and petitioners in B.A.No.1232 of 2015 are A7, A8 and A9 respectively in Crime No.88 of 2015 of the Sreekrishnapuram Police Station, Palakkad District, registered for the offences punishable under Sections 120B, 143, 144, 147, 294(b), 323, 324, 326 and 308 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that on 27.01.2015 at 5 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like iron pipes, iron rods, wooden sticks, sword sticks etc. and attacked the defacto complainant and his

friends while they were playing football at a football court. It is alleged that the defacto complainant was severely beaten up with weapons and his friend Sumesh suffered grievous hurt as his two teeth became broken in the attack. It is alleged that the defacto complainant along with his friends Sumesh, Mahesh, who is the younger brother of Sumesh, one Ratheesh, one Sreejesh, one Pramod, one Sudheesh, one Sreejith, one Sunil and one Pradeep also sustained injuries in the attack.

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

5. The learned Public Prosecutor has pointed out that the petitioners in B.A.No.1000 of 2015 have got series of serious criminal antecedents on their part. It is pointed out that A5, who is the 1st petitioner in B.A.No.1000 of 2015 is the accused in 5 other criminal cases and the 2nd petitioner, who is A10, is involved in two other cases also. Considering their criminal antecedents, I am of the view that they are not entitled to the discretionary relief of anticipatory bail. Therefore, B.A.No.1000 of 2015 is liable to be dismissed.

Regarding the other petitioners, I am of the view that they can be granted anticipatory bail in the said case as no criminal antecedents have been pointed out against them.

In the result, B.A.Nos.1129 and 1232 of 2015 are allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners in B.A.Nos.1129 and 1232 of 2015, is directed to enlarge the petitioners in B.A.Nos.1129 and 1232 of 2015 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 for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) Petitioners in B.A.Nos.1129 and 1232 of 2015 shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Mondays and Thursdays commencing from 30.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioners in B.A.Nos.1129 and 1232 of

2015 shall not tamper with the evidence or influence witnesses.

(iii) Petitioners in B.A.Nos.1129 and 1232 of 2015 shall make themselves available for interrogation as and when required by the investigating officer.

(iv) Petitioners in B.A.Nos.1129 and 1232 of 2015 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.

At the same time, B.A.No.1000 of 2015 is dismissed.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/23/3/15

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P.A. To Judge