

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. 1298 of 2015 ()

CRIME NO. 47/2015 OF CHOKLI POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/ACCUSED A1, A3, A4 AND A5:

1. RASLEEF C.I.,AGED 19 YEARS,
S/O.RASHEED, ALMASHRIQ, PERINGATHUR,
PERINGATHUR P.O, PERINGATHUR S O , PERINGATHUR,
KANNUR - 670 675
2. MUNAS K.K, AGED 20 YEARS,
S/O.NOUSHAD, PUNATHIL, PULIYANAMBRAN,
KARIYAD PANCHAYATH, PIN - 670 675
3. NASEEF.N.P, AGED 20 YEARS,
S/O.MUSTHAFA.O, OTHAYOTH, KARIYAD,
KARIYAD P.O., PERINGATHUR, KANNUR - 673 316
4. HANAS MUSTHAFA, AGED 20 YEARS,S/O.MUSTHAFA M.V,
'HASNAS' KUNNOTH P.O., PERINGATHUR, OLIPIL,
KANNUR DISTRICT.

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

RESPONDENT(S)/COMPLAINANT/STATE :

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031
2. THE STATION HOUSE OFFICE, CHOKLI POLICE STATION,
KANNUR DISTRICT-670 001

BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-03-2015,ALONG WITH BA.NO.1276 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

B.KEMAL PASHA, J.

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B.A. Nos. 1276 & 1298 of 2015

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Dated this the 18th day of March, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioner in B.A.No.1276/15 is A6 and the petitioners in B.A.No.1298/2015 are A1, A3, A4 and A5 in Crime No.47/2015 of Chockli Police Station, Kannur District, registered for the offences punishable under Sections 143, 147, 148 and 153(A) read with Section 149 IPC.

3. The allegation against the petitioners and the other accused is that on 16.1.2015 at 5.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like stones and pelted stones onto the Kandoth Sree Paradevatha Temple with a view to causing communal hatred for creating communal

violence.

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

5. The learned counsel for the petitioners argued that these are only mere allegations levelled against the petitioners without any sufficient reasons, and no such incident had taken place. On a perusal of the mahazar, I do not find any damage to the temple. Apart from the fact that two small stones were taken from the premises near the temple, no damage was caused to the temple. No specific overt acts are alleged against any of the petitioners. Considering the facts and circumstances of this case, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, 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 in both the applications, 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 Wednesdays and Saturdays, commencing from 25.3.2015 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.

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Sd/-
B.KEMAL PASHA, JUDGE

//True copy//

P.Ato Judge