

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Bail Appl.No. 1300 of 2015

CRIME NO. 1924/2014 OF KANNUR TOWN POLICE STATION, KANNUR
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PETITIONER(S)/ACCUSED NOS. 1 TO 4:

1. NIYAS K., AGED 35 YEARS,
S/O.ABOOTTY, KURIKALAGATHU HOUSE, THAYYATHERU KANNUR.
2. SHAMAL A.P., S/O.MUHAMUD ALI, AGED 25 YEARS,
ANJUKANDI THALACKAL, MANAPURAM, KUNJIPALLY,
KANNUR DISTRICT.
3. SHAFRAS, S/O.ABDUL REHMAN, AGED 26 YEARS,
SHABANAS, THAVAKRA, KANNUR DISTRICT.
4. MUSTHAK V.P., AGED 26 YEARS,
S/O.MUSTHAFA, ZAINABHAS, NALUVAYIL,
KANNUR CITY.

**BY ADVS.SRI.SALIM V.S.
SRI.H.NUJUMUDEEN**

RESPONDENT(S)/COMPLAINANTS:

**STATE OF KERALA THROUGH S.H.O.,
KANNUR TOWN POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA ERNAKULAM, PIN - 682 031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
26-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A.No.1300 of 2015

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Dated this the 26th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioners are A1, A3, A2 and A4 respectively in Crime No.1924 of 2014 of the Kannur Town Police Station, registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 of the Indian Penal Code.

3. The learned Public Prosecutor has pointed out that the 4th petitioner has been arrested in this case. The learned counsel for the petitioners has conceded that A3 and A4, who are petitioners 2 and 4 herein, were arrested and subsequently enlarged on bail. Therefore, as far as petitioners

2 and 4 are concerned, the present petition is not maintainable. The petition is confined to A1 and A2.

4. The allegation against the petitioners is that on 30.12.2014 at 10 p.m., A1 called the defacto complainant, to a spot near the Govt. U.P.School, Payatharur, at Kannur and the petitioners wrongfully restrained him and beat him with iron pipes and iron rods, thereby causing injuries.

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

6. It seems that no criminal antecedents have been reported against petitioners 1 and 3, who are A1 and A2. The investigation of this case is practically over. A3 and A4 were arrested and subsequently enlarged on bail. Injuries sustained by the defacto complainant is not that much serious. I do not think that there are sufficient materials to invite an offence under Section 308 of the Indian Penal Code as against petitioners 1 and 3. Considering all the above, I am of the view that this is a fit case wherein anticipatory bail can be granted to petitioners 1 and 3.

In the result, this bail application is allowed in part and

the investigating officer or such other police officer, who is conducting the arrest of petitioner 1 and 3, is directed to enlarge petitioners 1 and 3 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 1 and 3 shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Thursdays and Mondays commencing from 02.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioners 1 and 3 shall not tamper with the evidence or influence witnesses.

(iii) Petitioners 1 and 3 shall make themselves available for interrogation as and when required by the investigating officer.

(iv) Petitioners 1 and 3 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.

This bail application, as far as petitioners 2 and 4 are concerned, is dismissed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/26/3/15

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P.A. To Judge