

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. 1326 of 2015

CRIME NO. 76/2015 OF AREACODE POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED NO.1 :

**MUJEEB RAHMAN, AGED 35 YEARS,
S/O.BEERAN, THRAVATTU HOUSE, THACHANNA,
P.O.MYTHRA, AREACODE, ERNAD TALUK,
MALAPPURAM DISTRICT-673 639.**

**BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.Y.VINOD KUMAR**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
(REPRESENTED BY THE SUB INSPECTOR OF POLICE
AREACODE POLICE STATION-CR.NO.76/2015 OF AREACODE
POLICE STATION) REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

B.A.No.1326 of 2015 A

Dated this the 18th day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the first accused in Crime No.76/2015 of Areecode Police Station, Malappuram district registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 of the I.P. C.

3. The allegation against the petitioner and other accused is that on 18.1.2015 at 8.15 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like sword stick and attacked the *de-facto complainant* and his associates forming separate groups among the Muslims in the locality. It is alleged that the *defacto complainant* and his associates were attacked with

sword sticks, thereby causing injuries.

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

5. It seems that between two factions among the members of the Muslims in the locality a trivial incident had occurred, in which both the sides had suffered some injuries. Crime Nos.77 and 76 of 2015 were registered for the very same offences. Considering the facts and circumstances of this case, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

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 petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his 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 petitioner 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 six months.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner 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

dl

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PA to Judge