

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936**

**Bail Appl..No. 1396 of 2015**  
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**CRIME NO. 418/2015 OF PALAKKAD TOWN SOUTH POLICE STATION,  
PALAKKAD DISTRICT.**  
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**APPLICANT/ACCUSED NOS. 1 TO 3:**  
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- 1. SHAHEER, AGED 26 YEARS,  
S/O.NIJAM ALI, CAR ADONES,  
KALMANDAPAM, PALAKKAD.**
- 2. MUHAMMED SHAMEER, AGED 30 YEARS,  
S/O.ABDUL AZEEZ, CAR ADONES,  
KALMANDAPAM, PALAKKAD.**
- 3. MOHAMMED RIYASUDEEN, AGED 31 YEARS,  
S/O.MOHAMMED SALUDEEN, CAR ADONES,  
KALMANDAPAM, PALAKKAD.**

**BY ADV. SRI.VIPIN NARAYAN**

**RESPONDENT/COMPLAINANT:**  
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**STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 19-03-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**mbr/**

**B. KEMAL PASHA, J.**

.....  
B.A. No.1396 2015  
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*Dated this the 19<sup>th</sup> day of March, 2015*

**ORDER**

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Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.418/2015 of Palakkad Town South Police Station registered for the offences punishable under Sections 143, 147, 341, 353 and 294(b) read with Section 149 IPC.

3. The crime has been registered on the basis of a complaint preferred by the Intelligence Officer, Squad No.VII, Commercial Taxes, Palakkad. It is alleged that on 21.02.2015 at 11.15 a.m. the de facto complainant, along with the other officers of his department, was verifying the

stock of the shop of the 1<sup>st</sup> petitioner at Palakkad. They were engaged in preparing the report regarding the stock of the shop. It is alleged that, while so, around 50 persons, along with the 1<sup>st</sup> petitioner, came into the shop, severely abused the officers and pushed them out of the shop forcibly. They have snatched away the register from them and tore away the report which is a document prepared by the officers and took it away.

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

5. The learned Public Prosecutor has pointed out that the 1<sup>st</sup> petitioner is not arraigned as an accused in the crime. Therefore, this application so far as it relates to the 1<sup>st</sup> petitioner is only to be dismissed. As far as petitioners 2 and 3 are concerned, the contents of the CD *prima facie* reveal their complicity. The allegations against petitioners 2 and 3 are very grave and serious. Considering the seriousness of the allegations against petitioners 2 and 3, I

am of the view that the custodial interrogation is required for the continued investigation of this case. Matters being so, petitioners 2 and 3 are not entitled to the discretionary relief of anticipatory bail. At the same time, no criminal antecedents have been reported against petitioners 2 and 3. Considering the said aspect, I am of the view that an opportunity can be granted to petitioners 2 and 3 to surrender before the investigating officer and to co-operate with the investigation.

6. In the result, this Bail Application is dismissed. At the same time, if so advised, petitioners 2 and 3 may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate them, effect recovery if any, and conduct the investigation and produce them without delay before the concerned Judicial First Class Magistrate's Court, where they can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day

BA.1396/2015

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itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

As far as the 1<sup>st</sup> petitioner is concerned, this bail application is dismissed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/19/03

*// True Copy //*

*PA to Judge*