

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Bail Appl..No.1431 of 2015

(CRIME NO.165/2015 OF KOYILANDY POLICE STATION,KOZHIKODE).

PETITIONERS/ACCUSED:

1. MUNEER,S/O.MAMMU,AGED 35 YEARS,
KANAMAL KUNI HOUSE,NADUVATHUR P.O.,
KOYILANDY,KOZHIKODE.
2. SUDEESH,AGED 37 YEARS,S/O.BALAN,
PARAKKAL HOUSE,METHAL P.O.
KOYILANDY,KOZHIKODE.
3. T.K.BABU,AGED 50 YEARS,THOMARAYULLA KANDI HOUSE,
KOYILANDY,KOZHIKODE.
4. VIPIN,S/O.BABU,AGED 28 YEARS,
ORAVAKUNNUMMAL HOUSE,
KOYILANDY,KOZHIKODE.
5. VIJAYAN T.K,AGED 58 YEARS,
THOMARAYULLA KANDI HOUSE,
KOYILANDY,KOZHIKODE.

BY ADV.SRI.T.G.RAJENDRAN

RESPONDENTS/COMPLAINANT/STATE:

1. THE SUB INSPECTOR OF POLICE,
KOYILANDY POLICE STATION - 673 001.
2. STATE OF KERALA,REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM - 682 031.

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

B.KEMAL PASHA, J.

B.A.No.1431 of 2015

Dated this the 1st day of April 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.2, 3, 1, 4 and 5 respectively in Crime No.165/2015 of Koyilandy Police Station, Kozhikode district registered for the offences punishable under Sections 143, 147, 148, 448, 341, 323, 324, 354 and 308 read with Section 149 of the I.P. C.

3. The allegation against the petitioners is that, on 5.3.2015 at 00.30 a.m., they formed themselves into an unlawful assembly, armed with deadly weapons, like stumps of coconut leaves and trespassed into the verand of the house of the *defacto complainant* woman and attacked her son and daughter-in-law. It is alleged that her son and daughter-in-law were beaten up and she

was attacked with the stump of a coconut leaf.

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

5. It seems that there was a quarrel between the neighbours and a counter case has also been registered in the incident, in which the 2nd respondent, who is the first petitioner herein, became injured in the incident. The counter case is registered as Crime No.166/2015 of the said police station. No criminal antecedents have been reported against the petitioners. It seems that there was no premeditation to stage an attack from the part of the petitioners. 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 petitioners.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, 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 8.4.2015 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.

Sd/-
B.KEMAL PASHA,
JUDGE

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PA to Judge