

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Bail Appl..No. 1469 of 2015

CRIME NO. 165/2015 OF VADANAPPILLY POLICE STATION, TRISSUR.
.....

PETITIONERS/ACCUSED 3 TO 7:

1. FAISAL P B, AGED 25,
S/O.POKKILATHU BEERAN P A,
THALIKULAM VILLAGE, THRISSUR.
2. ABDUL RAHIM P H, AGED 23,
S/O.HASSAN P S, PUTHENPURAYIL HOUSE,
THALIKULAM VILLAGE, THRISSUR.
3. YONUS K S, AGED 36,
S/O.SAYED MUHAMMED, KARUTHAVEEDETIL,
THALIKULAM VILLAGE, THRISSUR.
4. ABDUL RASHEED, AGED 21,
S/O.PUTHEN PURAYIL HASSAN,
THALIKULAM VILLAGE, THRISSUR.
5. JUNAID, AGED 21,
S/O.MUHAMMED P A, PANIKAVEETIL HOUSE,
THALIKULAM VILLAGE, THRISSUR.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT/STATE OF KERALA/COMPLAINANT:

**THE STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
VADANAPPILLY POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA TAT ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.1469 of 2015
.....

Dated this the 8th day of April, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.3, 5, 7, 6 and 4 respectively in Crime No.165/2015 of Vadanappilly Police Station registered for the offences punishable under Sections 143, 144, 341, 323, 324, 326 and 307 read with Section 149 IPC.

3. The de facto complainant, who has recently arrived from Gulf, had some illicit connections with the wife of one Gafoor, who is the elder brother of A1 and A2. On 11.02.2015 at 1.30 a.m. the de facto complainant was caught red handed from the house of the said Gafoor. The said Gafoor was not in the house as he is working in Gulf. It

is alleged that A1 and A2, along with the other persons gathered there, have attacked the de facto complainant and inflicted severe injuries including his nasal bone fracture as well as the fracture to the left ulna and fracture to right ankle of mandible along with the other injuries.

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

5. It seems that A1 and A2 had surrendered before the investigating officer, they were remanded, and subsequently enlarged on bail. All the main overt acts are alleged against A1 and A2. They are the persons, who are directly concerned in the incident. Other accused, including the petitioners, are neighbours. There is no specific allegation against any of the petitioners. No criminal antecedents have been reported against the petitioners. Considering the facts and circumstances of the 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, 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 ₹50,000/- (Rupees fifty 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 15.04.2015 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.

BA.1469/2015

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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)

aks/08/04

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PA to Judge