

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Bail Appl..No. 1815 of 2015 ()

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CRIME NO. 259/2015 OF PANDIKKAD POLICE STATION, MALAPPURAM DIST.**

.....

PETITIONER/ACCUSED:

**SHIHABUDHEEN, AGED 34 YEARS,
S/O. MUHAMMED KOYA THANGAL,
PALLITHAZHAPUTHIYA MALIYEKKAL HOUSE,
NATTUKAL, MANNARKKAD, PALAKKAD.**

**BY ADVS.SRI.C.M.KAMMAPPU,
SRI.MANSOOR.B.H.**

RESPONDENT/COMPLAINANT/STATE:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
REPRESENTING THROUGH STATION HOUSE OFFICER,
PANDIKKAD POLICE STATION, MALAPPURAM DISTRICT.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

.....
B.A. No.1815 of 2015
.....

Dated this the 31st day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.259/2015 of the Pandikkad Police Station, Malappuram registered for the offences punishable under Sections 294(b) and 353 of the Indian Penal Code.

3. The allegation against the petitioner is that he abused the defacto complainant Police Officer and tore away his uniform thereby deterring him from discharging his official duties. The petitioner has been in custody for the period from 21.03.2015 onwards.

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

5. It seems that initially he was arrested on 21.03.2015 and rightly the learned Magistrate before whom

he was produced, has granted bail to him for the period upto to 24.03.2015, on seeing his pathetic condition. It seems that he had sustained severe injuries including fracture. It is quite unfortunate that when he has appeared before the regular Magistrate on 24.03.2015, his bail has been cancelled and has been remanded to custody. It seems that the court below has totally gone wrong in passing the said order thereby refusing bail. It is evident that the said order was passed without applying judicial mind, not even mind. I am of the view that this is a fit case wherein the petitioner can be enlarged on bail.

In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge