

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. 1842 of 2015

CRIME NO. 234/2015 OF CHALISSERY POLICE STATION, PALAKKAD DISTRICT.
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APPLICANT/ACCUSED NOS 1 TO 3:

1. ARSHAD, AGED 20 YEARS,
S/O.ABDURAHIMAN, CHINNAKKAL HOUSE,
KOOTTANAD.P.O, PATTAMBI, PALAKKAD.
2. JABIR ARSHAD, AGED 20 YEARS,
S/O.SULAIMAN, CHERIKKAPARAMBIL HOUSE,
KOOTTANAD.P.O, PATTAMBI, PALAKKAD.
3. ASHIQ @ KUNJU, AGED 21 YEARS,
S/O.HAMZA, MALLIAKAL HOUSE,
KOOTTANAD.P.O, PATTAMBI, PALAKKAD.

BYSRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADV. SRI.VIPIN NARAYAN

RESPONDENT/COMPLAINANT:

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 08-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

B.KEMAL PASHA, J.

B.A.No.1842 of 2015

Dated this the 8th day of April 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 3 in Crime No.234/2015 of Chalissery Police Station registered for the offences punishable under Sections 143, 147, 148, 308, 323, 324 and 341 read with Section 149 I.P. C.

3. A dispute has arisen in connection with a Tug-of-war competition held during the last Onam season. It is alleged that on 14.3.2015 at 1.30 a.m., the petitioners along the with other accused formed themselves into an unlawful assembly armed with deadly

weapons and attacked the *defacto complainant* with iron pipes, thereby causing injuries.

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

5. The learned senior counsel for the petitioners has pointed out that A2 and A3, who are petitioners 2 and 3 herein, have sustained very serious injuries in the incident and it is only in order to cover up the said matter, the present crime has been registered. It has been pointed out that Crime No.244/2015 of the said police station was registered for the offences including offence under Section 326 I.P.C. Annexure-A1 clearly reveals that A3 has sustained blunt injury to abdomen, liver injury, haemoperitoneum and nasal bone fracture. Over and above it, A2 has sustained fracture of the left distal radius on wrist and a lacerated wound at scalp. 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 15.4.2015 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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