

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Bail Appl..No. 2085 of 2015 ()

CRIME NO. 416/2015 OF MALAPPURAM POLICE STATION, MALAPPURAM

PETITIONER/1ST ACCUSED :

**SHAMNAD BAVA
S/O ABDUL JABBAR, VALLYAPARAMBU HOUSE, KODUR POST
PERINTHALMANNA TALUK, MALAPPURAM DIST**

BY ADV. SRI.P.K.MOHAMED JAMEEL

RESPONDENTS/COMPLAINANTS :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**
- 2. THE SUB INSPECTOR OF POLICE,
MALAPPURAM POLICE STATION, MALAPPURAM DIST**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.2085 of 2015

Dated this the 12th day of August 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.416 of 2015 of Malappuram Police station registered for the offences under Secs.143, 147, 283, 308, 323 and 353 read with Sec.149 of the Indian Penal Code. The prosecution case is that he along with the co-accused formed themselves into an unlawful assembly prevented the Police officers from seizing a lorry in respect of which, a complaint had been filed and they assaulted the Police officers and thus prevented them from taking custody of the lorry. There is also an allegation that they attempted to kill the Police officer by driving the lorry against him.

3. Heard both sides.

4. The prosecution has no case that the Police had registered a case in respect of the lorry which they attempted to seize. It means that the attempt was illegal. For this reason alone, I am inclined to grant the prayer of

the petitioner.

In the result the bail application is allowed.

1. The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) The petitioner shall appear before the Investigating Officer for interrogation if he is so required by him in writing.

3) The petitioner shall surrender his passport before the lower court concerned or if he does not have the one, file an affidavit to that effect.

4) The petitioner shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5) The petitioner shall not destroy or

tamper with evidence nor shall he get himself involved in any other criminal case.

6) The petitioner shall not intimidate or attempt to influence the witnesses.

7) The petitioner shall co-operate with investigation of the case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

If the petitioner surrenders before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge