

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

Bail Appl..No. 2495 of 2015 ()

CRIME NO. 1196/2014 OF PAYYANNUR POLICE STATION,KANNUR DISTRICT

PETITIONER(S)/ACCUSED NOS.1 TO 4:-

- 1. YUSUFF, PRESIDENT,AGED 50 YEARS,
KAMEL MUSLIM JUMA-ATH COMMITTEE,
ANNUR POST, PAYYANNUR, KANNUR DISTRICT.**
- 2. K.K.KHALID,AGED 35 YEARS,
SECRETARY, KAMEL MUSLIM JUMA-ATH COMMITTEE,
ANNUR POST, PAYYANNUR, KANNUR DISTRICT.**
- 3. SUHAIL M.T.P., AGED 29 YEARS,
MEMBER, KAMEL MUSLIM JUMA-ATH COMMITTEE,
ANNUR POST, PAYYANNUR, KANNUR DISTRICT.**
- 4. SHAJIH SAMEER AL-ASHARI KHATHEEB,AGED 40 YEARS,
KAMEL MUSLIM JUMA-ATH COMMITTEE, ANNUR POST,
PAYYANNUR, KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENT(S)/COMPLAINANT/STATE:-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.1196 OF 2014 OF PAYYANNUR POLICE STATION),
KANNUR DISTRICT - 670 307.**

BY PUBLIC PROSECUTOR SRI.K.K.RAJEEV

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K. ABRAHAM MATHEW, J.

B.A. No. 2495 of 2015

Dated this the 15th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners, who are office bearers and the Katheeb of a Juma-ath mosque, allegedly refused to permit burial of body of the first informants' sister in the Kabarstan of the mosque and thus committed the offences under Sections 295A and 297 of the Indian Penal Code.

3. Heard.

4. The two opposing parties belong to the same community and religion. It is doubtful whether the two sections quoted in the FIR are attracted. So, I am inclined to grant anticipatory bail to the petitioner.

In the result, this application is allowed.

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

2) They shall appear before the Investigating Officer for interrogation if they are so required by him in writing.

3) They shall not destroy or tamper with evidence.

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

**K. ABRAHAM MATHEW
JUDGE**

DMR/-