

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYASHTA, 1937

Bail Appl..No.2915 of 2015

CRIME NO.395/2015 OF PAYANGADI POLICE STATION,KANNUR.

..

PETITIONER'S/A1,2,3,7,8 & 9:

1. **ABDUL JALEEL B.C,S/O.MUHAMMED KUNHI,
AGED 26 YEARS,BAYAN CHALIL HOUSE,
NEAR POST OFFICE,MATTOOL NORTH P.O.**
2. **ARIF M.P,AGED 35 YEARS,S/O.ABDURAHIMAN,
MUTTOM,POOVATHUMKEEZHIL,KAKKADANCHAL,
MATTOOL NORTH P.O.**
3. **FAYAS M.P,AGED 24 YEARS,S/O.MAHAMOOD M.A.,
MUTTOM,POOVATHUMKEEZHIL,KAKKADANCHAL,
MATTOOL NORTH P.O.**
4. **KUNJHAMMED E.C,AGED 46 YEARS,S/O.MOIDEENKUTTY,
ELAKKEN CHALIL,KAKKADANCHAL,MATTOOL NORTH P.O.**
5. **MAHAMMOOD P.P,AGED 61 YEARS,S/O.AHAMMED.B,
P.P.HOUSE,MATTOOL NORTH P.O.**
6. **ASKAR M.P,AGED 26 YEARS,S/O.MAHAMOOD M.A,
MUTTOM,POOVATHUMKEEZHIL,
KAKKADANCHAL,MATTOOL NORTH P.O.**

**BY ADVS.SRI.C.M.NAZAR
SRI.MANSOOR.B.H.
SMT.M.V.ASHA BINDU**

RESPONDENT:

**STATE OF KERALA,REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,
REPRESENTING THE STATION HOUSE OFFICER,
PAYANGADI POLICE STATION,KANNUR DISTRICT.**

BY PUBLIC PROSECUTOR SMT.REMA.R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

K. ABRAHAM MATHEW, J.

=====

B.A. No. 2915 of 2015

=====

Dated this the 1st day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under sections 143, 147, 148, 341, 323, 324, 326, 447 read with sec. 149 IPC. They apprehend that they will be arrested by the police. It is submitted that the 5th petitioner has already been arrested. The allegation against the petitioners is that they trespassed into the first informant's property and assaulted him with weapons like reapers, causing him serious injuries.

3. Heard.

4. The doctor has certified that the victim had two contusions; the assault resulted in his loss of hearing, according to the prosecution. Admittedly, there was a mob. The prosecution has no case that any of the petitioners was armed. There was no external injury on the ear which makes the prosecution case that the attack with reaper resulted in the loss of hearing. Moreover, the weapon has already been recovered.

5. In these circumstances, I am inclined to grant the prayer of the petitioners.

In the result, this application is allowed in part.

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.

4) They shall not get themselves involved in any other criminal cases.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law. The application is dismissed so far as the 5th petitioner is concerned.

Sd/-
K. ABRAHAM MATHEW
JUDGE

DST

//True Copy//

P.A. To Judge