

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

Bail Appl..No. 3662 of 2015 ()

**CRIME NO. 2003/2015 OF KAYAMKULAM POLICE STATION,
ALAPPUZHA DISTRICT**

PETITIONERS/PETITIONERS/A5, 6, 7, 8 & 9:-:

- 1. PRASANTH, AGED 22 YEARS,
S/O.PRAKASHAN, KANDISSERIL HOUSE, DESHATHINAKAM
KAYAMKULAM, ALAPPUZHA DISTRICT.**
- 2. NABEEL, AGED 20 YEARS,
S/O.SULAIMANKUNJU, KANDALASSERIKIZHAKKATHIL,
ULLIKKANAKKU P.O., KAYAMKULAM, ALAPPUZHA DISTRICT.**
- 3. AFSAL, AGED 22 YEARS,
S/O.THAJUDEEN, KALAPPURAKKAL PADIKKATHIL
ULLIKKANAKKU P.O., KAYAMKULAM, ALAPPUZHA DISTRICT.**
- 4. NOUFAL, AGED 25 YEARS,
S/O.NAZAR, SHEEJA BHAVANAM, ULLIKKANAKKU P.O.,
KAYAMKULAM, ALAPPUZHA DISTRICT.**
- 5. SHAMNAD, AGED 24 YEARS,
S/O.HUSAIBA, KALAPURACKAL, PADIKKATHIL,
ULLIKKANAKKU P.O., KAYAMKULAM, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.C.M.NAZAR
SRI.K.A.KHADER KUNJU
SRI.SHAJI P.MATHEW**

RESPONDENT/COMPLAINANT/STATE:-:

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

BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

K.P.JYOTHINDRANATH J.

.....
B.A. No. 3662 of 2015
.....

Dated this the 30th day of June, 2015

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure.

2. The case of the petitioners is that they are accused Nos. 5,6, 7, 8 & 9 in Crime No. 2003/2015 of Kayamkulam Police Station. The offence alleged is under Sections 143, 147, 148, 447, 294(b), 452, 323, 324, 506(ii) read with Section 149 of the Indian Penal Code.

3. The allegation in a nutshell is that the accused on 14.6.2015 at about 16.30 hours, trespassed into the house of the de facto complainant and assaulted and thereby committed the offences under sections 143, 147, 148, 149, 447, 452, 324, 427, 506(ii), 323 and 294(b) of the Indian Penal Code.

4. The main aspect to be considered is that the allegation against the petitioners herein is only that they were also present at the place of incident and also threatened by showing sword.

5. Thus considering the alleged overt act against the accused herein, I feel that it will be just and proper to pass the following order:

1. The petitioners shall appear before the Investigating Officer within 10 days of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioners. After interrogation, if the police officer feels that if any recovery is necessary, that also can be made. Thereafter the petitioners shall be released on bail on executing a bond for Rs.25,000/- with two solvent sureties for the like amount to the satisfaction of the concerned officer.
2. After released on bail, the petitioners shall appear before the Investigating Officer on all Saturdays in between 10 a.m and 12 noon for a period of two months.
3. The petitioners shall not commit similar offences during the bail period .

B.A. No. 3662 of 2015
3

4. The petitioners shall not influence or intimidate the witnesses.

On the above conditions, this anticipatory bail application is allowed.

Sd/-

K.P.JYOTHINDRANATH
JUDGE

rka

/true copy/

P.S to Judge.

B.A. No. 3662 of 2015

4