

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Bail Appl..No. 4339 of 2015 ()

CRIME NO. 78/2015 OF MANNARKKAD POLICE STATION,PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED NO.2 TO 11:

1. SUHAIL, S/O.BAPPU, AGED 30 YEARS,
PADINJARETHIL HOUSE, THIRUVIZHAMKUNNU,
MANNARKKAD, PALAKKAD DISTRICT.
2. HAMZAPPA, S/O.KAMMU, AGED 32 YEARS,
AYILIKKARA HOUSE, THIRUVIZHAMKUNNU,
MANNARKKAD, PALAKKAD DISTRICT.
3. SADAMANI, S/O.MOIDUPPA HAJI, AGED 29 YEARS,
MUTHUKUTTI HOUSE, KONNARAM P.O.,
THIRUVIZHAMKUNNU, MANNARKKAD, PALAKKAD DISTRICT.
4. ABDUL RAZHEED @ MANU,
S/O.KUNHAHAMMED, AGED 28 YEARS,
PARUTHIYIL HOUSE, THIRUVIZHAMKUNNU,
MANNARKKAD, PALAKKAD DISTRICT.
5. RAHIM, S/O.KUNHAYAMUTTY, AGED 42 YEARS,
THEKKAN HOUSE, THIRUVIZHAMKUNNU,
MANNARKKAD, PALAKKAD DISTRICT.
6. SHOUKATH, AGED 32 YEARS,
KOTTAYIL HOUSE, AMBALAPPARA, THIRUVIZHAMKUNNU,
MANNARKKAD, PALAKKAD DISTRICT.
7. ABBAS, S/O.ABOOBACKER, AGED 28 YEARS,
MUTHUKUTTI HOUSE, KONNARAM,
THIRUVIZHAMKUNNU, MANNARKKAD, PALAKKAD DISTRICT.
8. MUHAMMED ALI,S/O.KUNHAHAMMED, AGED 41 YEARS,
PARUTHIYIL HOUSE, THIRUVIZHAMKUNNU,
MANNARKKAD, PALAKKAD DISTRICT.
9. SEKHARAN, AGED 34 YEARS,
NAVAYATH HOUSE, THIRUVIZHAMKUNNU, MANNARKKAD,
PALAKKAD DISTRICT.
10. SUBHASH, S/O.CHANDRASEKHARAN, AGED 30 YEARS,
MANGALASSERY HOUSE,THIRUVIZHAMKUNNU, MANNARKKAD,
PALAKKAD DISTRICT.

BY ADV. SRI.BABU S. NAIR

BA.NO.4339/2015

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
MANNARKKAD POLICE STATION, PALAKKAD DISTRICT,
PIN- 678 582.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

K. ABRAHAM MATHEW, J.

B.A. No.4339 of 2015

Dated this the 29th day of July 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.78 of 2015 of Mannarkkad Police station registered for the offences under Secs.143, 147, 148, 283, 294(b) and 353 read with Sec.149 of the Indian Penal Code. The prosecution case is that they formed themselves into an unlawful assembly and caused damage to a Police jeep and prevented the Police officers from discharging their duties.

3. Heard both sides.

4. Though it is stated that about 150 people were there in the mob, there is no allegation that any of the Police officers sustained any injury. The Police could not identify the persons who allegedly caused damage to the vehicle. The Case Diary does not show how the identity of the petitioners was ascertained.

5. Having regard to these facts, I am inclined to

grant the prayer of the petitioners.

In the result, the bail 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 surrender their passports before the lower court concerned or if they do not have the one, file affidavits to that effect.

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

5) They shall not destroy or tamper with evidence nor shall they get themselves involved in any other criminal case.

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

7) They 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 petitioners surrender 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