

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Bail Appl..No. 4864 of 2015 (C)

AGAINST THE ORDER IN CRL.MP 2093/2015 of SESSIONS COURT, PALAKKAD
DATED 04/7/15

CRIME NO. 777/2015 OF PATTAMBI POLICE STATION , PALAKKAD
.....

PETITIONERS:

1. MOHAMMED SHAMEER P, AGED 21 YEARS,
S/O ABDUL KAREEM, PATTALATHIL HOUSE, MELMURI POST
PULASSERY, KOPPAM, PATTAMBI
2. HASSAN . K., AGED 21 YEARS,
S/O YOUSUF. K, KOTHILIYIL HOUSE, AMAYUR
KOPPAM , PATTAMBI.
3. AKBAR ALI, AGED 20 YEARS,
S/O MAMIKUTTY, VIRALIKATTIL HOUSE, THATHANAMPULLY PO
KULUKKALLUR, PATTAMBI
4. HABEEB ABDULLA, AGED 19 YEARS,
S/O ABDUL GAPHAR, ETTILATHODI HOUSE, AMAYUR PO
PATTAMBI, PALAKKAD
5. ASKAR ALI. V, AGED 21 YEARS,
S/O ABDUL AZEEZ, VELUTHAKKATHODI HOUSE, AMAYUR PO
PALAKKAD.

BY ADV. SRI.K.A.MANZOOR ALI

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031
2. DEPUTY SUPERINTENDENT OF POLICE,
SHORNUR, PALAKKAD DISTRICT, 679 303

BY PUBLIC PROSECUTOR SRI. C.K.JAYAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
02-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

B. A. No.4864 of 2015

Dated this the 2nd day of September, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C for anticipatory bail.

2. Heard the learned counsel appearing for the petitioners and the learned Public Prosecutor appearing for the respondents.

3. The petitioners 1 to 5 are accused in Crime No.777 of 2015 of Pattambi Police Station. The offences alleged are under Sections 143, 147, 341 and 323 read with Section 149 of the Indian Penal Code, under Section 4 of the Kerala Prohibition of Ragging Act and under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. Learned counsel for the petitioners submits that the petitioners are innocent of the allegations raised against them. The petitioners 1, 2 and 5 are aged only 21, the third petitioner is aged only 20 and the fourth petitioner

is aged only 19. They are undergoing B.Com. degree course in a private college at Pattambi. They have no criminal antecedents. The investigation of the case has progressed much. The custodial interrogation of the petitioners is not required in this case. He further submits that the petitioners apprehend arrest by the police at any time.

4. Learned Public Prosecutor has opposed this petition. He, on instructions, submits that the investigation of the case has progressed much. He further submits that no criminal antecedents have been reported against the petitioners. All the offences, except the offence under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, alleged against the petitioners are bailable. In the circumstances, it is open to the petitioners to surrender before the jurisdictional Magistrate and seek regular bail as held by this Court in **Shanu v. State of Kerala [2000 (3) KLT 452]** and subsequent decisions.

5. Therefore, this Bail Application is disposed of as

under:

The petitioners shall surrender before the jurisdictional Magistrate within two weeks from today and seek regular bail with intimation to the Assistant Public Prosecutor concerned at least three working days in advance. In case, such an application is preferred by the petitioners, the learned Magistrate shall pass appropriate orders on the application in the light of the decision in **Shanu v. State of Kerala (supra)** and subsequent decisions of this Court as early as possible.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE

