

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Bail Appl..No. 4897 of 2015 ()

CRIME NO. 919/2015 OF VENGARA POLICE STATION.

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PETITIONERS/ACCUSED:

- 1. NOORUDHEEN, AGED 38 YEARS,
S/O.MOHAMMED, UTHAM MAVUNGAL HOUSE,
KILINAKODE, KANNAMANGALAM,
TIRURANGADI TALUK, MALAPPURAM DISTRICT.**
- 2. SHAFI T.P., AGED 32 YEARS,
S/O.ABDUL AZEEZ, THACHAPARAMBAN HOUSE,
KILINAKODE, KANNAMANGALAM,
TIRURANGADI TALUK, MALAPPURAM DISTRICT.**
- 3. ABDUL SAMAD, AGED 31 YEARS,
S/O.MOHAMMED KUTTY, KANNAYATH HOUSE,
CHERUR, KANNAMANGALAM, TIRURANGADI TALUK,
MALAPPURAM DISTRICT.**
- 4. FIROS, AGED 32 YEARS,
S/O.MOHAMMED, VALAYANGADAN HOUSE,
CHERUR, KANNAMANGALAM, TIRURANGADI TALUK,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL),
SRI.C.Y.VINOD KUMAR.**

RESPONDENTS/COMPLAINANTS:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE ,
VENGARA POLICE STATION,
MALAPPURAM DISTRICT.**

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*** ADDL. R3 IMPEADED**

**3. U.M. HAMSA, AGED 35 YEARS,
S/O.ALAVI, UTHAN MAVUNGAL HOUSE,
KILINAKODE, CHEROOR POST,
THIRURANGADI TALUK, MALAPPURAM DISTRICT,
KERALA-676 304.**

*** ADDL. R3 IS IMPEADED AS PER ORDER DATED 12/10/2015 IN
CRL. M.A. NO.8257/2015.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.
ADDL. R3 BY ADV. SRI.ALIAS M.CHERIAN.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A No.4897 of 2015

Dated this the 12th day of October, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 4 in Crime No.919 of 2015 of Vengara Police Station registered for offences punishable under Sections 143, 147, 148, 341, 323, 324, 326 and 308 r/w Section 149 I.P.C.

3. The incident which gave rise to registration of the crime occurred on 18-07-2015 at about 10.00 a.m. It is alleged that the petitioners along with other accused formed themselves into an unlawful assembly, armed with deadly weapons and assaulted the defacto complainant. In the assault, the defacto complainant sustained fracture of bone in the 5th little finger. It is also alleged that they used deadly weapons in the incident.

4. Heard the learned counsel for the petitioner, the defacto complainant and the learned Public Prosecutor.

Petitioners plead innocence.

5. Learned counsel for the petitioners submitted that the incident projected by the prosecution is a distorted version of a real incident. Another crime bearing No.918/2015 of the same police station had been registered. The allegations are totally false. Considering the nature of allegations and the submission by the learned Public Prosecutor that petitioners are involved in other crimes of similar nature, I am of the view that the petitioners are not entitled to get pre-arrest bail. Hence, following directions are issued :

The petitioners shall surrender before the Investigating Officer within a period of one week from today and submit themselves for interrogation. Thereafter, they shall be produced before the learned Magistrate having jurisdiction on the same day. The petitioners are free to move for regular bail before the court below. In that event, the application shall

be considered on merits as expeditiously as possible. If petitioners do not surrender in the stipulated time, the Investigating Officer is free to arrest them as if no order is passed in this matter.

**Sd/-
A.HARIPRASAD,
JUDGE.**

//True copy//

P.A to Judge

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