

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

Bail Appl..No. 5224 of 2015

**CRIME NO. 426/2015 OF KADINAMKULAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**
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PETITIONER(S)/A1 TO A4:

1. AZEEB SALAN, AGED 27, S/O. SALAN,
THOPPIL HOUSE, PERUMATHURA P.O.,
SHARKARA VILLAGE, THIRUVANANTHAPURAM.
2. SUDHEER, AGED 21, S/O. NUJUMUDHEEN,
THAIVILAKOM, MADANVILA, PERUMATHURA P.O.,
AZHOOR VILLAGE, THIRUVANANTHAPURAM.
3. FIROZ, AGED 20, S/O. SAVAD,
PANDAKASALA VEEDU, PERUMATHURA P.O.,
SHARKARA VILLAGE, THIRUVANANTHAPURAM.
4. NIYAS, AGED 21, S/O. NAZEER,
THREUVIL VEEDU, PERUMATHURA,
SARKARA VILLAGE, CHIRAYINKEEZHU,
THIRUVANANTHAPURAM.

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT/STATE:

**STATE OF KERALA, REPRESENTED
THROUGH THE SUB-INSPECTOR OF POLICE,
KADINAMKULAM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.5224 of 2015

Dated this the 10th day of September 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.1 to 4 in Crime No.426 of 2015 of Kadinamkulam Police station, registered for the offences punishable under Secs.143, 147, 148, 294(b), 323, 324, 341, 452 and 506(ii) read with Sec.149 of the Indian Penal Code. The prosecution case is that on 21.07.2015 at about 8.30 p.m., the accused persons, formed themselves into an unlawful assembly with the common object of assaulting the defacto complainant, trespassed into the shop room and wrongfully restrained him. One of the accused beat him with a stick and another accused used a cycle chain to restrain the defacto complainant.

3. Heard both sides.

4. Learned counsel for the petitioners submitted that the issue was in respect of the defacto

complainant teasing the sister of the first accused. No incident happened as alleged in the shop room of the defacto complainant.

Considering the nature of allegations, I am inclined to grant anticipatory bail to the petitioners with the following conditions.

1. The petitioners shall appear before the investigating officer within a period of two weeks and submit themselves for interrogation.

2. In the event of arrest, the petitioners shall be released on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. They shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

4. They shall not involve in any other offence during the period of bail.

5. 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 law without referring the matter to this Court.

Sd/-
A. HARIPRASAD,
JUDGE
/ True Copy /

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P.A. To Judge