

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Bail Appl.No. 5321 of 2015

CRIME NO. 1900/2015 OF MATHILAKOM POLICE STATION, THRISSUR
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PETITIONER(S)/ACCUSED 1 TO 4:

1. P.M. KHALID, AGED 42 YEARS,
S/O.MUHAMMED, PUTHIYVEETIL, MATHILAKAM,
PAZHUMTHARA, PIN-680 685.
2. NISHAD, AGED 32 YEARS,
S/O.ALI, OTTATHAI, MATHILAKAM P.O.,
THRIPEKULAM, PIN-680 685.
3. K.K.MUHAMMED, AGED 70 YEARS,
S/O.KOCHUMMAR, KARAPPAMVEETIL, MATHILAKAM,
PUNNAKKABAZAR EAST, PIN-680 685.
4. O.A.NIZAR, AGED 34 YEARS,
S/O.ALI, OTTATHAI, MATHILAKAM P.O.,
THRIPEKULAM, PIN-680 685.

BY ADV. SMT.O.H.NAZEEBA

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(CRIME NO.1900 OF 2015 OF MATHILAKAM POLICE STATION)
2. SUB INSPECTOR OF POLICE,
MATHILAKAM POLICE STATION, THRISSUR.

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
07-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.5321 of 2015

Dated this the 7th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner are accused 1 to 4 in Crime No.1900 of 2015 of Mathilakom Police Station registered for offences punishable under Sections 447, 341, 323 and 354 read with Section 34 of the Indian Penal Code.

3. Prosecution case, in short, is that the petitioners allegedly trespassed into the defacto complainant's house and physically assaulted her and her husband.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that actually the petitioners had not done any offence as alleged. The alleged incident was on 17.08.2015.

Considering the nature of allegations, I find that custodial interrogation may not be necessary in this case. Hence the following order:

i. Petitioners shall appear before the investigating officer within a period of two weeks and submit themselves for interrogation. Thereafter each one of them shall execute a bond for ₹25,000/- (Rupees

twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail in Crime No.1900 of 2015 of Mathilakom Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Petitioners shall appear before the Investigating Officer as and when directed for the purpose of investigation in the matter.

iv. They shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the learned Magistrate having jurisdiction is empowered to cancel the bail in accordance with law without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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