

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. 5365 of 2015 ()

**CRIME NO. 587/2015 OF PATHANAMTHITTA POLICE STATION,
PATHANAMTHITTA DISTRICT**

PETITIONERS/ACCUSED NO.1 TO 4 :

- 1. MUHAMMED NISHAD, AGED 37 YEARS,
S/O. MUHAMMED MOIDEEN, ALANKARATH VEEDU,
KULASEKHARAPATHY, PATHANAMTHITTA.**
- 2. MUHAMMAD NIZAR,
S/O. MUHAMMED MOIDEEN, ALANKARATH VEEDU,
KULASEKHARAPATHY, PATHANAMTHITTA.**
- 3. MUHAMMED ANSARI, AGED 33 YEARS,
S/O. MUHAMMED MOIDEEN, ALANKARATH VEEDU,
KULASEKHARAPATHY, PATHANAMTHITTA.**
- 4. MUHAMMED SHIHAB, AGED 39 YEARS,
S/O. MOIDEEN, KEEZHATHMURIYIL, KULASEKHARAPATHY,
PATHANAMTHITTA.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENTS/STATE :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE
PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA
PATHANAMTHITTA - 689 645.**

BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

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

A.HARIPRASAD, J.

B.A.No.5365 of 2015

Dated this the 10th day of September, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused Nos. 1 to 4 in Crime No.587 of 2015 of Pathanamthitta Police Station registered for the offences punishable under Sections 353 r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that the accused persons pursuant to their common intention on 03.04.2015 at 09.45 a.m., obstructed the *de facto* complainant from discharging her official duty. *De facto* complainant is the Secretary of a Municipal Council. When she came to allot a Beef Stall No.1 in the Pathanamthitta market which belongs to the Municipality, the petitioners restrained her and obstructed the discharge of her duty.

4. Heard the learned counsel for the petitioners and learned Public Prosecutor.

5. Learned counsel for the petitioner submitted that the in respect of the allotment of shops in the

Municipal building, there were disputes between persons participated in the auction and the Municipality.

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

- (a) Petitioners shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on their executing a bond for ₹25,000/- (Rupees Twenty Five Thousand Only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioners shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioners shall co-operate with the investigation of the case.

- (d) The petitioners shall not intimidate or attempt to influence the witnesses.
- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) Petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge