

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. 5377 of 2015

CRIME NO. 345/2015 OF KONDOTTY POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED :

- 1. MOOSA MAULAVI, AGED 49 YEARS,
S/O.MUHAMMED HAJI, DARUSSALA, PANACHIKAPALLIYALI,
OLAVATOOR, MALAPPURAM DISTRICT.**
- 2. MOHAMMED SHAFFI, AGED 34 YEARS, S/O.SAIDALAVI HAJI
CHERATHODY HOUSE, PANACHIKAPALLIYALI, OLAVATOOR,
MALAPPURAM DISTRICT.**
- 3. K.P.C.NASAR, AGED 45 YEARS, S/O.MUHAMMED,
ERIATTUPARAMBU, PANACHIKAPALLIYALI,
OLAVATOOR, MALAPPURAM DISTRICT.**
- 4. K.P.C MOOSA, AGED 44 YEARS,
S/O.MUHAMMED, ERIATTUPARAMBU, PANACHIKAPALLIYALI,
OLAVATOOR, MALAPPURAM DISTRICT.**
- 5. M.C.ABDUL SALAM, AGED 23 YEARS,
S/O.ISMAIL, IYYAKUNNUMMAL HOUSE,
PUTHIYEDATH PARAMBU OLAVATOOR, MALAPPURAM DISTRICT.**
- 6. M.MOHAMMED, S/O.UNNIALI, AGED 45 YEARS,
AMBAYAKANDI HOUSE, PANACHIKAPALLIYALI, OLAVATOOR,
MALAPPURAM DISTRICT.**

BY ADV. SRI.K.RAKESH

RESPONDENT(S)/STATE & COMPLAINANT :

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
KONDOTTY POLICE STATION, MALAPPURAM DISTRICT, PIN- 679 328.**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

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

Msd.

A. HARIPRASAD, J.

Bail Appl. No.5377 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 in Crime No.345 of 2015 of Kondotty Police station registered for the offences punishable under Secs.143, 147, 148, 323, 324, 326 and 341 read with Sec.149 of the Indian Penal Code. The petitioners 1 to 6 are accused nos.6,5,2,3,4 and 1 respectively. The prosecution case in short is that on 17.02.2015 at about 3.15 p.m., the accused persons, in furtherance of their common object, formed themselves into an unlawful assembly armed with deadly weapons assaulted the defacto complainant. A reaper was used to attack the defacto complainant causing the loosening of a tooth.

3. Heard both sides.

4. Learned counsel for the petitioners submitted that the case arose out of a factional feud in a community. The point of dispute is about the preaching

by a religious leader after Friday prayers. According to him, various clashes had occurred earlier also. The petitioners are falsely implicated in this case. In fact there is a counter case also registered in connection with the same incident.

5. Learned Public Prosecutor submitted that the 2nd accused used reaper to cause injury on the defacto complainant.

Considering the entire facts and circumstances of the case, the following directions are issued.

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. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall

they tamper with the evidence.

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

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 /

P.A. To Judge

NS