

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. 5378 of 2015 ()

**CRIME NO. 942/2015 OF KONDOTTY POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER/1ST ACCUSED :

**MOOSA MAULAVI, AGED 49 YEARS,
S/O.MUHAMMED HAJI, DARUSSALA, PANACHIKAPALLIYALI
OLAVATOOR, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.RAKESH

RESPONDENTS/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 SRI. RAJESH VIJAYAN

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

bp

A. HARIPRASAD, J.

Bail Appl. No.5378 of 2015

Dated this the 10th day of September 2015

O R D E R

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

2. Petitioner is the 1st accused in Crime No.942 of 2015 of Kondotty Police station registered for the offences punishable under Secs.143, 147, 148, 308, 323, 324, 341 and 506(i) read with Sec.149 of the Indian Penal Code. The prosecution case in short is that on 28.07.2015 at about 5.45 p.m., the petitioner along with the co-accused in furtherance of their common object formed themselves into an unlawful assembly, armed with deadly weapons and committed rioting and assaulted the defacto complainant.

3. Heard both sides.

4. Learned counsel for the petitioner submitted that this is a false case foisted on the accused. There is a counter case registered by the same Police in respect of the same incident. The factional feud in a community is the reason for registering the case.

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

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

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

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

4. He petitioner 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