

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Bail Appl. No. 5621 of 2015 ()

CRIME NO.2108/2015 OF KOTTARAKKARA POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED Nos. 1 TO 6:

- 1. ABDUL AZEEZ @ THALACHIRA AZEEZ, AGED 51 YEARS,
RESIDENT VETTIKAVALA GRAMA PANCHAYAT).
S/O. ABDUL KAREEM RAWTAR, VALIYAVILA PADYATATHIL,
THALACHIRA P.O., KOLLAM DISTRICT.**
- 2. S. SHANAVAS, AGED 42 YEARS,
(MEMBER, VETTIKAVALA GRAMA PANCHAYAT),
S/O. SHAMSUDEEN, RAJINA MANZIL, THALACHIRA PO, KOLLAM DISTRICT.**
- 3. TIJU TOHANNAN,
(BLOCK PANCHAYAT MEMBER, VETTIKAVALA GRAMA PANCHAYAT)
S/O. YOHANAN, TISSY BHAVAN, KOKKADU P.O.,KOLLAM DISTRICT.**
- 4. ABDUL VAHAB, AGED 45 YEARS, S/O. HASANAPPA RAWTHER,
KANJIRAMVILA VEEDU, THALACHIRA P.O., KOLLAM DISTRICT.**
- 5. SHIBU. A, AGED 41 YEARS, S/O AMEER KANNU RAWTHER,
PALLIPPURA KADAYIL VEEDU,THALACHIRA P.O., KOLLAM DISTRICT.**
- 6. BIJI NAZAR, AGED 25 YEARS, S/O. NASERUDEEN,
NEST, THALACHIRA P.O., KOLLAM DISTRICT.**

ADV. SRI. ALEXANDER GEORGE

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
KOTTARAKARA POLICE STATION, KOLLAM DISTRICT - 691 506**

BY PUBLIC PROSECUTOR

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

BABU MATHEW P. JOSEPH, J.

B.A. No. 5621 of 2015

Dated this the 12th day of November, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C for anticipatory bail.

2. Heard the learned counsel appearing for the petitioners and the learned public prosecutor appearing for the respondents. C.D. Produced.

3. The petitioners are accused 1 to 6 in Crime No.2108 of 2015 of Kottarakkara Police Station. The offences alleged are under Sections 143, 147, 148, 188, 294(b), 452, 427, 323 and 324 read with Section 149 of IPC. The learned counsel for the petitioners submits that the petitioners are innocent of the allegations raised against them. They have no criminal antecedents. The investigation of the case is almost over. The custodial interrogation of the petitioners is not required. He further

submits that the petitioners apprehend arrest by the police at any time.

4. Learned Public Prosecutor has opposed this petition. She admits the fact that the investigation of the case has progressed much. She further submits that no criminal antecedents have been reported against the petitioners. On considering the facts and circumstances, stage of the investigation and the fact that no criminal antecedents have been reported against the petitioners, this Court is of the view that the petitioners can be granted anticipatory bail imposing appropriate conditions.

5. Therefore, the petitioners are granted anticipatory bail subject to the following conditions:

1. The petitioners shall surrender before the Investigating Officer on or before 20.11.2015. In the event of their arrest, they shall be released on bail on their executing bonds 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.

2. The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.
3. The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.
4. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
5. The petitioners shall not commit any similar offence while on bail.
6. The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court.

This petition is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE