

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Bail Appl..No. 5738 of 2015 ()

CRIME NO. 509/2015 OF MANGARA POLICE STATION, PALAKKAD DISTRICT

PETITIONERS/ACCUSED NOS. 4, 5 & 6 :

- 1. HAKKEEM**
AGED 34 YEARS, S/O. KABEER,
ANTHIRATHODY HOUSE, EDATHARA P.O.,
PALAKKAD DISTRICT.
- 2. FAIZAL**
AGED 40 YEARS, S/O. MOIDUPPA,
UZHUNNILPARAMBIL HOUSE, EDATHARA P.O.,
PALAKKAD DISTRICT.
- 3. USMAN**
AGED 35 YEARS, S/O. HASSAINAR,
KANJIRAKODE HOUSE, KODUNTHIRAPPALLY P.O.,
PALAKKAD DISTRICT.

BY ADVS.SRI.SALIM V.S.
SRI.H.NUJUMUDEEN

RESPONDENT/COMPLAINANT :

STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE
MANGARA POLICE STATION, PALAKKAD DISTRICT
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, PIN-682 031.

BY PUBLIC PROSECUTOR SMT. R. REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

A.HARIPRASAD, J.

B.A.No.5738 of 2015

Dated this the 30th day of September, 2015

O R D E R

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

2. Petitioners are the accused Nos.4, 5 and 6 in Crime No.509 of 2015 of Mangara Police Station registered for the offences punishable under Sections 143, 147, 148 and 307 r/w Section 149 of the Indian Penal Code. They seek pre-arrest bail.

3. Prosecution allegation is that on 14.08.2015 at about 11.00 p.m., the petitioners along with other accused formed themselves into an unlawful assembly, armed with deadly weapons like swords etc., attacked the *de facto* complainant with an intention to commit murder .

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

5. Learned Public Prosecutor opposed the bail application contending that the first petitioner (4th accused) attacked the *de facto* complainant with an iron

rod and other petitioners were present as members of the unlawful assembly. Prosecution has no case that the petitioners 2 and 3 committed any overtact, even though they are named in the F.I.R.

6. Considering the materials in the case diary, I am not inclined to grant pre-arrest bail to the first petitioner (4th accused). Insofar as the petitioners 2 and 3 are concerned, I am inclined to grant bail 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 ₹50,000/- (Rupees fifty 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) Petitioners 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