

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Bail Appl..No. 5755 of 2015

ORDER IN CRMC 1261/2015 OF THE SESSIONS COURT, MANJERI DATED 20.8.2015
CRIME NO. 1025/2015 OF PARAPPANGADI POLICE STATION, MALAPPURAM

PETITIONER(S)/ACCUSED :

1. K.LATHEEF AGED 35 YEARS
S/O. ABDURAHMAN, ANGADIVEETIL HOUSE
VALLIKUNNU NORTH POST, VALLIKUNNU
MALAPPURAM DISTRICT.
2. HUSSAIN AGED 43 YEARS
S/O. KUNHIKAMMADUTTY, ETTUKANDATHIL VEEDU
VALLIKUNNU NORTH POST, VALLIKUNNU
MALAPPURAM DISTRICT.
3. KOYAKUTTY AGED 65 YEARS
S/O. KOYACHEKKU, MELEVEETIL, VALLIKUNNU NORTH POST
VALLIKUNNU, MALAPPURAM DISTRICT.
4. GAFOOR AGED 40 YEARS
S/O. MOHAMMED ANCHUKANDAN, VALLIKUNNU NORTH POST
VALLIKUNNU, MALAPPURAM DISTRICT.
5. SUBAIR AGED 43 YEARS
S/O. KUNHAMMED KALATHIL, VALLIKUNNU NORTH POST
VALLIKUNNU, MALAPPURAM DISTRICT.
6. LATHEEF AGED 42 YEARS
S/O. KOYALIKUTTY, KIZHAKKEMELA, VALLIKUNNU NORTH POST
VALLIKUNNU, MALAPPURAM DISTRICT.
7. SULAIMAN AGED 44 YEARS
S/O. ABOOBACKER, OORUTHODI, VALLIKUNNU NORTH POST
VALLIKUNNU, MALAPPURAM DISTRICT.
8. ABDULLA AGED 49 YEARS
S/O. SAIDALIKUTTY, KIZHAKKEPEEDIYEKKAL
VALLIKUNNU NORTH POST, VALLIKUNNU
MALAPPURAM DISTRICT.
9. ABDUL JIYAS C. AGED 24 YEARS
S/O. SAIDALIKUTTY, KANAKKANCHARI
VALLIKUNNU NORTH POST, VALLIKUNNU
MALAPPURAM DISTRICT.

10. BEERAN AGED 62 YEARS
S/O. KOYAKUTTY, VALLIKUNNU NORTH POST, VALLIKUNNU
MALAPPURAM DISTRICT.
11. MOHAMMED AGED 48 YEARS
S/O. ABDURAHMAN, MELEANGADI VEETIL
VALLIKUNNU NORTH POST, VALLIKUNNU
MALAPPURAM DISTRICT.
12. C.HAMZA AGED 37 YEARS
S/O. ABDURAHMAN, CHEKKOLIKKANTAKATH
VALLIKUNNU NORTH POST, VALLIKUNNU
MALAPPURAM DISTRICT.
13. ASHRAF AGED 43 YEARS
S/O. MOHAMMED, KODAKKATTAKATH, VALLIKUNNU NORTH POST
VALLIKUNNU, MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,
PARAPPANANGADI POLICE STATION, MALAPPURAM DISTRICT
PIN-676 303.

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

ANNEXURES

A1- TRUE COPY OF FIRST INFORMATION REPORT DATED 28.7.2015 IN CRIME NO.1025 OF 2015 OF PARAPPANANGADI POLICE STATION

A2- TRUE COPY OF PLAINT DATED 24.2.2015 IN O.S.17 OF 2015 ON THE FILE OF THE HONOURABLE WAKF TRIBUNAL, KOZHIKODE

A3- TRUE COPY OF FIRST INFORMATION REPORT DATED 29.7.2015 IN CRIME NO.1028 OF 2015 OF PARAPPANANGADI POLICE STATION

A4- TRUE COPY OF PRIVATE COMPLAINT FILED BY THE VICE PRESIDENT OF THE MADRASSA COMMITTEE BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT, PARAPPANANGADI AND NUMBERED AS CMP.NO.10065 OF 2015

A5- TRUE COPY OF FIRST INFORMATION REPORT DATED 5.9.2015 IN CRIME NO.1160 OF 2015 OF PARAPPANANGADI POLICE STATION

A6- TRUE COPIES OF DISCHARGE SUMMARY ISSUED BY GOVERNMENT MEDICAL COLLEGE HOSPITAL CALICUT IN FAVOUR OF ABDULLA AND ASHRAF.

A7- CERTIFIED COPY OF ORDER DATED 20.8.2015 IN CRL.M.C.NO.1261 OF 2015 PASSED BY SESSIONS COURT, MANJERI.

A8- TRUE COPY OF MINUTES OF MEETING OF VALLIKUNNU GRAMA PANCHAYAT HELD ON 4.8.015

//True copy//

P.S. To Judge

RAJA VIJAYARAGHAVAN.V. J

B.A.5755 of 2015

Dated 19th October, 2015

ORDER

- 1.This application is filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.
- 2.The petitioners herein are accused Nos.1 to 13 in crime No.1025 of 2015 of Parappanangadi police station, Malappuram District. The said crime has been registered alleging offence punishable u/s 143, 147, 323, 324, 354, 506(i) r/w S.149 of the IPC.
- 3.The prosecution allegation is that on 28.7.2015 at about 7.00 a.m, the 1st petitioner had attacked the informant with a wooden reaper near Poranchery Madrassa. It is further alleged that the petitioners 2, 3 and 5, attacked the persons who accompanied

the informant and further that the 1st petitioner had outraged the modesty of Sainaba who had allegedly come to the scene of occurrence.

4.I have heard the learned counsel appearing for the petitioners as well as the learned Public Prosecutor.

5.The learned counsel for the petitioners has submitted that the dispute emanated from the factional fight between two groups in respect of functioning of Badarul Huda Madrassa at Poranchery. It is submitted by the learned counsel for the petitioners that the registration of the instant crime is a counter blast to the registration of Crime No.1028 of 2015 of the Parappanangadi police station on the basis of the statement filed by one Saidalikutty, who belongs to the faction of the petitioners herein. It is also pointed out by the

learned counsel appearing for the petitioners that in the said crime, application for pre-arrest bail was preferred by the accused and as per order dated 22.9.2015 in B.A.5696 of 2015, this Court had granted pre-arrest bail.

6. After having heard both sides, and taking note of the facts and circumstances, I am of the considered view that the application can be allowed and an order of pre-arrest bail can be granted to the petitioners subject to the following conditions:-

(i). Petitioners shall execute a bond for Rs.25,000/- (Twenty five thousand only) each with two solvent sureties each, each for the like sum to the satisfaction of the Sub Inspector of Police, Parappanangadi police station, before whom the petitioners shall surrender within ten days from today, if not already arrested.

(ii). The petitioners shall report before the Investigating Officer on every Monday between 9.00 a.m and 11.00 a.m for three months and thereafter, as and when required by the Investigating Officer in writing to do so.

(iii). The petitioners shall not get involved in any offence during the pendency of this case.

(iv). The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

The Bail application is allowed as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True copy//

P.S. To Judge