

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

Bail Appl..No. 5788 of 2015 ()

CRIME NO. 1669/2015 OF CHATHANNOOR POLICE STATION, KOLLAM DISTRICT

PETITIONERS/ACCUSED (STATUS NOT KNOWN) :

- 1. AJMEER, AGED 24 YEARS (STATUS NOT KNOWN)
S/O. ABDUL HAMEED, CHARUVILA VEEDU, PANKONAM
MUKHATHALA P.O., KOLLAM DISTRICT.**
- 2. AJMAL, AGED 24 YEARS (STATUS NOT KNOWN)
S/O. KAMALUDEEN, KADAYIL VEEDU, PANKONAM
MUKHATHALA P.O., KOLLAM DISTRICT.**
- 3. VISHNU LAL, AGED 24 YEARS (STATUS NOT KNOWN)
S/O. VIJAYAN, AMBANATTU VILA VEEDU, PALAMUKKU
KANNANALLOOR, KOLLAM DISTRICT.**
- 4. IRSHAD, AGED 24 YEARS (STATUS NOT KNOWN)
S/O. IBRAHIM KUTTY, KAROTTU KIZHAKKATHIL, KANNANALLOOR
KOLLAM DISTRICT.**
- 5. RAMEES S., AGED 25 YEARS (STATUS NOT KNOWN)
VILIYIL PUTHEN VEEDU, THRIKKOVILVATTOM
KANNANALLOOR P.O., KOLLAM DISTRICT.**

**BY ADVS.SRI.BINU GEORGE
SMT.HEMALATHA**

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

A.HARIPRASAD, J.

B.A. No.5788 of 2015

Dated this the 7th day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 1 and 4 to 7 in Crime No.1669 of 2015 of Chathannoor Police Station. The offences alleged are under Sections 143, 147, 148, 308, 427 and 354B read with Section 149 of the Indian Penal Code.

3. Gist of allegations is that the accused persons, 20 in number, in furtherance of their common object, formed themselves into an unlawful assembly, armed with iron rods on 09.09.2015 and attacked the defacto complainant at 4.30p.m. after wrongfully restraining him while he was travelling on a motor cycle. The defacto complainant's wife was also travelling with him. The first accused gave a heavy blow on the head of the defacto complainant with an iron rod. It is further alleged that he tore the apparel worn by the defacto complainant's wife. Other accused persons attacked him with hands.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the incident is not as stated by the prosecution. Petitioners are not involved in any

offences. Learned Prosecutor opposed the bail application.

Materials in the case diary show that the first accused (fourth petitioner) used weapons to attack the defacto complainant and he also assaulted the defacto complainant's wife thereby attracted an offence under Section 354B of the Indian Penal Code. Therefore, I am not inclined to grant anticipatory bail to him. Therefore the application, insofar as fourth petitioner (first accused) is concerned, will stand dismissed. Considering the facts and circumstances, I am inclined to grant pre-arrest bail to petitioners 1 to 3 and 5. Hence the following order:

i. Petitioners 1 to 3 and 5 shall surrender before the investigating officer within a period of one week and submit themselves for interrogation. Thereafter each one of them shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail in Crime No.1669 of 2015 of Chathannoor Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Petitioners 1 to 3 and 5 shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. They shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

cks