

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 5866 of 2015 ()

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

PETITIONERS/ACCUSED NO. 7 AND 8 :

- 1. ANEESH, AGED 37 YEARS
S/O.SHAHUL HAMEED, KANJIRAKKODE P.O.
PALAKKAD DISTRICT.**
- 2. AFSAL, AGED 32 YEARS
S/O.SHAHUL HAMEED, KANJIRAKKODE 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. MADHUBEN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

RAJA VIJAYARAGHAVAN V, J.

B.A.No.5866 of 2015

Dated this the 15th day of October, 2015

O R D E R

This is an application for anticipatory bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioners are the accused Nos.7 & 8 in Crime No.509/2015 of Mangara Police Station. The said crime has been registered for offence punishable under S.143, 147, 148, 307 r/w S.149 of IPC.

3. The case of the prosecution is that on 14.08.2015 at about 11 p.m., the petitioners along with other accused formed themselves into an unlawful assembly armed with deadly weapons like sword and attacked the de-facto complainant with intent to commit murder.

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

5. The learned counsel appearing for the petitioners has submitted that, as per order dated 30.09.2015 in B.A.No.5738/2015, this Court had granted reliefs to accused Nos.5 & 6. The petitioners are similarly placed in so far as the allegations against them are concerned, is the submission. After going through the materials, it appears that the prosecution had no case that the petitioners herein who are accused Nos.7 & 8 have committed any overt act though they are named in the First Information Report.

6. In view of the above, after having considered the rival submissions, the nature and gravity of the allegations, the antecedents of the petitioners, the stage of investigation, and in view of the order in B.A.No.5738/2015, I am of the considered view that anticipatory bail can be granted to the petitioners by imposing identical 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 Rs.50,000/- 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.

This application is allowed as above.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge