

**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. 5885 of 2015**  
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**CRIME NO. 1385/2015 OF CHAVAKKAD POLICE STATION , THRISSUR DISTRICT**  
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**PETITIONER(S)/ACCUSED 5 & 6 :**  
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1. RISALDAR K.R, AGED 24 YEARS,  
S/O.ABDUL RASAK K.M, KALEEDAKATH HOUSE,  
KADAPPURAM P.O., VELICHANNAPADI, CHAVAKKAD TALUK,  
THRISSUR DISTRICT.
2. RAHBAR SHAKEEL, AGED 18 YEARS,  
S/O.ABDUL RASAK K.M, KALEEDAKATH HOUSE,  
KADAPPURAM P.O., VELICHANNAPADI, CHAVAKKAD TALUK,  
THRISSUR DISTRICT.

**BY ADV. SRI.RAJIT**

**RESPONDENT(S)/STATE :**  
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**STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA AT ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT.TY.LALIZA**

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

Msd.

**A.HARIPRASAD, J.**

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**B.A. No.5885 of 2015**  
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**Dated this the 30<sup>th</sup> day of September, 2015**

**ORDER**

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 5 and 6 in Crime No.1385 of 2015 of Chavakkad Police Station registered for offences punishable under Sections 143, 147, 148, 447, 341, 323 and 308 read with Section 149 of the Indian Penal Code.

3. The incident was on 07.09.2015 at 10.15 p.m.. It is alleged that when the defacto complainant was closing the gate of his house, accused 2 and 3 caught hold of him and the first accused attacked him with an intention to commit culpable homicide by using an iron rod.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that even going by the prosecution allegation it is seen that they did not commit any act to constitute an offence under Section 308 of the Indian Penal Code.

After hearing both sides, I find that there is no material to find that the petitioners used any weapon to attack the defacto complainant and their presence was only as members of the unlawful assembly. Hence, pre-

arrest bail is granted to the petitioners with following conditions:

i. Petitioners shall surrender before the investigating officer within a period of two weeks 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.1385 of 2015 of Chavakkad Police Station.

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

iii. Petitioners 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**