

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Bail Appl..No. 6128 of 2015 ()

**CRIME NO. 243/2014 OF VALAYAM POLICE STATION,
KOZHIKODE DISTRICT**

PETITIONERS/ACCUSED :

- 1. SAHAD ABDULLA, AGED 21 YEARS, S/O. ABDULLA,
MOYILOTHIDATHIL HOUSE, PULIYAVU, CHEKKIAD.**
- 2. RAMSHAD, AGED 21 YEARS, S/O. YOUSAF,
CHERIYA KOYAPPALLI, PULIYAVU, CHEKKIAD.**
- 3. MUHAMMED, AGED 20 YEARS, S/O. YOUSAF,
VANNANTAVIDA HOUSE, PULIYAVU, CHEKKIAD.**
- 4. JASEER AGED 18 YEARS, S/O. IBRAHIM,
CHERIYA KOYAPPALLI HOUSE, PULIYAVU, CHEKKIAD.**
- 5. ANAS AGED 18 YEARS, S/O. AMMED,
MARUTHOLI HOUSE, PULIYAVU, CHEKKIAD.**
- 6. MUHAMMAD ALAYIL, AGED 22 YEARS,
S/O. MOIDU ALAYIL HOUSE, PULIYAVU, CHEKKIAD.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENTS/STATE :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
(CRIME NO.243/14 OF VALAYAM POLICE
STATION, KOZHIKODE DISTRICT)**
- 2. STATION HOUSE OFFICER
VALAYAM POLICE STATION, KOZHIKODE DISTRICT-673001 .
(CRIME NO.243/14 OF VALAYAM POLICE
STATION, KOZHIKODE DISTRICT).**

BY PUBLIC PROSECUTOR SMT.R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A. HARIPRASAD, J.

Bail Appl. No.6128 of 2015

Dated this the 20th day of November 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.38, 6, 5, 41, 46 and 4 respectively in Crime No.243 of 2014 of Valayam Police station registered for the offences punishable under Secs.143, 145, 147, 148, 327, 307, 353, 452, 427 and 153(A) read with Sec.149 of the Indian Penal Code and Sec.3(1) of the Prevention of Damage to Public Property Act. Prosecution case is that on 26.05.2014, there was a group clash between the members of two communal groups. It is stated that the Police has registered a crime in connection with the incident.

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

4. Learned counsel for the petitioners submitted that the petitioners are active workers of one communal group. According to him, the petitioners are

not responsible for the offences under Secs.307 and 452 IPC because it was committed on the members of petitioners' community by the other group.

5. There is no specific allegation for the prosecution that these petitioners directly involved in offences under Sec.307 and 452 IPC. Learned Public Prosecutor submitted that they have destroyed public property.

Considering the nature of allegations, pre arrest bail is granted to the petitioners with the following conditions.

1. The petitioners shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation.

2. In the event of arrest, the petitioners shall be released on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating

officer.

3. The petitioners shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

4. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

5. The petitioners shall deposit Rs.1,000/- (Rupees one thousand only) each before the learned Magistrate having jurisdiction within a period of one week from the date of execution of the bond.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /