

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Bail Appl..No. 6345 of 2015

CRIME NO. 509/2015 OF KUMBLA POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED 1 - 6:

1. MOHAN KUMAR D.S.
S/O. SUBRAHAMANYA HEBBAR,
RESIDING AT BHANDRA COTTAGE HOUSE, BEJJAPPE,
KIDDOOR P.O., MANJESWAR TALUK, KASARAGOD DISTRICT.
2. BHOJARAJA, AGED 35 YEARS,
S/O. POOVAPPA POOJARY, BEJAPPE HOUSE, KIDDOOR P.O.
MANJESWAR, KASARAGOD DISTRICT.
3. SHANKARA PATALI, AGED 47 YEARS,
S/O. MAHALINGA PATALI, AMBILADKA HOUSE, KIDDOOR P.O.
UJARULWAR VILLAGE, KASARAGOD.
4. KAMALAKSHA, AGED 42 YEARS,
S/O. NARAYANA POOJARY, SHRI SHASTA NILAYA, DANDEGOLI
KIDDOOR P.O., KASARAGOD.
5. MANJUNATHA K., AGED 30 YEARS,
SO. NARAYANA RAI, KANYANAPADAPPU HOUSE, BAMBRANA P.O
KASARAGOD.
6. KRISHNA SHETTY, AGED 49 YEARS,
S/O. DEVANNA SHETTY, AMBILADKA HOUSE, KIDDOOR P.O.
UJARULWAR VILLAGE, KASARAGOD.

**BY ADVS.SRI.T.G.RAJENDRAN
SRI.T.R.TARIN
SMT ANN SUSAN GEORGE
SRI.V.A.VINOD**

PJ

....2/-

Bail Appl..No. 6345 of 2015

RESPONDENT(S):

1. THE STATION HOUSE OFFICER,
KUMBLA POLICE STATION, KASARAGOD - 671 321.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

A.HARIPRASAD, J.

B.A. No.6345 of 2015

Dated this the 3rd day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Accused 1 to 6 in Kumbala Police Station Crime No.509 of 2015 registered for offences punishable under Sections 143, 147, 341, 323 and 353 read with Section 149 of the Indian Penal Code are the petitioners. They seek pre-arrest bail.

3. Prosecution case is that on 16.09.2015 at about 1.00 p.m., the petitioners as members of an unlawful assembly, obstructed the Village Officer, Village Assistant and the Village Office Field Assistant from discharging their official duties.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that petitioners 2 to 6 surrendered and they were released on bail. Therefore, their application has become infructuous.

Considering the nature of allegations, following directions are issued:

i. First petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation. Thereafter he 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, he shall be released on bail in Crime No.509 of 2015 of Kumbala Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. First petitioner shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. He 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 first petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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