

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. 6349 of 2015 ()

CRIME NO. 598/2015 OF KOLATHUR POLICE STATION, MALAPPURAM DISTRICT

APPLICANTS/ACCUSED NO.2 & 3:

- 1. MOHAMMED SAMEER, AGED 35 YEARS,
S/O.KUNHI MOHAMMED, MUNDUMMAL HOUSE,
KOLATHUR P.O., MALAPPURAM DISTRICT.**
- 2. KUNHI MOHAMMED, AGED 60 YEARS,
S/O.MOIDU, MUNDUMMAL HOUSE, KOLATHUR P.O.,
MALAPPURAM DISTRICT.**

BY ADV. SRI.THOMAS J.ANAKKALLUNKAL

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

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

sts

A. HARIPRASAD, J.

Bail Appl. No.6349 of 2015

Dated this the 3rd day of November 2015

O R D E R

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

2. Petitioners are accused nos.2 and 3 in Crime No.598 of 2015 of Kolathur Police station registered for the offences punishable under Secs.143, 147, 353 and 358 read with Sec.149 of the Indian Penal Code and Sec.3(1) of the Prevention of Destruction of Public Property Act. Prosecution case in short is that, on 01.09.2015 at about 8.30 p.m., at Moorkanad bus stand, the petitioners along with other accused attacked the Police officers on duty. It is further alleged that the accused nurtured an intention to harbour the accused in Crime No.242 of 2015 of the same Police station.

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

4. Learned counsel for the petitioners submitted that the two Police Constables in an inebriated mood attacked the 1st accused and the petitioners, which

was challenged by the people gathered at the place. There was no incident as alleged by the prosecution.

Considering the nature of allegations and the materials in the case diary especially the fact that the wireless sets of the Police damaged, the following directions are issued.

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.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. The petitioners shall deposit Rs.2000/- (Rupees two thousand only) each before the learned Magistrate having jurisdiction within a period of one week after the execution of the bond.

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

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

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 /

NS/03/11/2015

P.A. To Judge