

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

Bail Appl..No. 6360 of 2015

AGAINST THE ORDER IN CRMC 1337/2015 of SESSIONS COURT, THALASSERY
DATED 30-09-2015

CRIME NO. 860/2015 OF PAZHAYANGADI POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED NO.2 TO 5:

1. S.V.ABDUL SALAM AGED 50 YEARS
S/O.KHADER
RESIDING AT MADAYI AMSOM PUTHIYANGADI DESOM
KANNUR TALUK.
2. RAFI K.V. AGED 53 YEARS
S/O.HAMEED, KAVILE VALAPPIL HOUSE
MADAYI AMSOM PUTHIYANGADI DESOM, KANNUR TALUK.
3. NISSAM M.M AGED 21 YEARS
S/O.ABDUL SALAM, MOSSAN MUKRI HOUSE, MADAYI AMSOM
PUTHIYANGADI DESOM, KANNUR TALUK.
4. SAFWAN S.V. AGED 20 YEARS
S/O.SOOPPY, AHAMMED, SREEVALAPPIL HOUSE
MADAYI AMSOM, PUTHIYANGADI DESOM, KANNUR TALUK.

BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)

RESPONDENTS:

1. SUB INSPECTOR OF POLLICE
PAZHAYANGADI POLICE STATION
KANNUR DISTRICT - 670 001.
2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.

R BY PUBLIC PROSECUTOR MR. JUSTIN JACOB

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

BABU MATHEW P. JOSEPH, J.

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B.A. No. 6360 of 2015

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Dated this the 11th day of November, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioners and the learned Public Prosecutor appearing for the respondents. C.D. produced.

3. The petitioners are accused 2 to 5 in Crime No. 860 of 2015 of Pazhayangadi Police Station. The offences alleged are under Sections 143, 147, 148, 341, 323, 324, 452 and 427 read with Section 149 of the Indian Penal Code. Learned counsel for the petitioners submits that the

petitioners are innocent of the allegations raised against them. They have no criminal antecedents. The first accused was already arrested and, subsequently, he was released on bail. The sixth accused was granted anticipatory bail by the Sessions Court. The investigation of the case is almost over. The custodial interrogation of the petitioners is not required. He further submits that the petitioners apprehend arrest by the police at any time.

4. The learned Public Prosecutor has opposed this petition. He admits the fact that the investigation of the case has progressed much. He further submits that no criminal antecedents have been reported against the petitioners. On considering the facts and circumstances, stage of the investigation and the facts that no criminal antecedents have been reported against the petitioners and the first accused was already released on bail and the sixth accused was already granted anticipatory bail, this Court is of the view that the petitioners can be granted

anticipatory bail imposing appropriate conditions.

Therefore, the petitioners are granted anticipatory bail subject to the following conditions:

1) The petitioners shall surrender before the Investigating Officer on or before 19.11.2015. In the event of their arrest, they shall be released on bail on their executing bonds for Rs. 25,000/- (Rupees twenty five thousand) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

2) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

3) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

4) The petitioners shall not influence or intimidate the prosecution witnesses nor shall they

attempt to tamper with the evidence for the prosecution.

5) The petitioners shall not commit any similar offence while on bail.

6) The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court.

This application is allowed as above.

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**

ks.

True copy

P.S. (Hr.Gr.)To Judge

