

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 6385 of 2015 ()

ORDER IN CRMC 1379/2015 of THE SESSIONS COURT, MANJERI DATED 04-09-2015
CRIME NO. 825/2015 OF KOTTAKKAL POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED NOS. 1 & 3:

1. CHARATH ABDUL GAFOOR AGED 37 YEARS
S/O. MUHAMMED MUSLIAR, CHARATH HOUSE, INDANOOR AMSOM
TIRUR TALUK, MALAPPURAM DISTRICT
2. KORANGADAN SAIDALAVI, AGED 38 YEARS,
S/O. MOIDEENKOYA, KORANGADAN HOUSE, INDANOOR AMSOM
TIRUR TALUK, MALAPPURAM DISTRICT

BY ADV. SRI.K.RAKESH

RESPONDENT(S)/STATE & COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI 682 031
2. THE SUB INSPECTOR OF POLICE
KOTTAKKAL POLICE STATION
MALAPPURAM DISTRICT PIN 676 503

BY PUBLIC PROSECUTOR RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

ANNEXURES

A- TRUE COPY OF THE FIR IN CRIME NO.826 OF 2015 OF THE KOTTAKKAL POLICE STATION DATED 18.8.15

B- TRUE COPY OF THE DISCHARGE BILL ISSUED TO THE 1ST PETITIONER DATED 18.8.15 FROM A1-MAS HOSPITAL, KOTTAKKAL

C- TRUE COPY OF THE ORDER DATED 4.10.14 ISSUED BY THE ADDL. DIRECTOR OF EDUCATION (GENERAL) TVM

D- TRUE COPY OF THE LETTER ISSUED BY THE DISTRICT EDUCATIONAL OFFICER TO THE PTA, PRESIDENT DATED 27.3.14

E- TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT OF THE COMPLAINT GIVEN BY THE DAUGHTER OF THE BROTHER OF THE FIRST PETITIONER TO THE DISTRICT COLLECTOR, MALAPPURAM ON 1.8.2015

F- TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 1ST PETITIONER BEFORE THE STATE JUVENILE COMMISSION

G- TRUE COPY OF THE ORDER DATED 4.9.2015 IN CRL.M.C.1379 OF 2015 OF THE SESSIONS COURT, MANJERI

H- TRUE COPY OF THE ORDER DATED 29.9.15 IN CRL.M.C.1541 OF 2015 OF THE SESSIONS COURT, MANJERI

//True copy//

P.S. To Judge

RAJA VIJAYARAGHAVAN.V. J

B.A.6385 of 2015

Dated 30th October, 2015

ORDER

- 1.This is an application filed u/s 438 of the Code of Criminal Procedure seeking anticipatory bail.
- 2.The petitioners are accused Nos.1 and 3 in crime No.825 of 2015 of Kottakkal police station, Malappuram. The aforesaid crime has been registered for offence punishable u/s 143, 147, 148, 294(b), 323, 324, 332, 341, 353, 452 r/w S.149 of the IPC.
- 3.The prosecution allegation is that on 17.8.2015 at about 11.45 am, the petitioners along with the co-accused, in furtherance of their common object assaulted the informant who is the Headmaster of A.M.L.P. School, Villoor.

4.I have heard the learned counsel appearing for the petitioners as well as the learned Public Prosecutor.

5.The learned counsel appearing for the petitioners, relying on Annexure-A FIR, registered in crime No.826 of 2015 against the informant in crime No. 825 of 2015 and two others submitted that the allegation levelled against him is without any basis. It was further pointed out that the informant is the Headmaster of A.M.L.P Schook, Villoor and Annexure-C and D orders have been issued by the Educational authorities declining permission to shift the School from the location where it presently situated. It was further pointed out that several complaints were lodged by the informant before the District Collector as well as the Juvenile Commission as evidenced by Annexure-E and F in

which allegations were raised against the informant. In short, the contention of the learned counsel appearing for the petitioners is that, it is as a counter blast to Annexure-A, C, D, E and F that the instant crime has been registered against the petitioners. The learned Public Prosecutor, on instructions, submitted that only trivial injuries have been sustained.

6.After having considered the rival submissions, the nature and gravity of the allegations, the antecedents of the petitioners and the other circumstances, I am of the considered view that anticipatory bail can be granted to the petitioners by imposing appropriate conditions.

7.In the result, this application is allowed, but subject to the following conditions:

i). The petitioners shall be released on bail after interrogation on their executing a bond for 25,000/- each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

ii). 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/ her from disclosing such facts to the court or to any police officer.

iii). The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

iv). The petitioners shall not influence or intimidate the

prosecution witnesses or attempt to tamper with the evidence for the prosecution.

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

vi). The petitioners shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

Mrcs

//True copy//

P.S. To Judge