

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Bail Appl..No. 6452 of 2014

CRIME NO. 400/2014 OF ADHUR POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED 1 TO 4,6 & 7:

- 1. MOHAMMED MADANI, AGED 45 YEARS,
S/O. LATE IBRAHIM, RESIDING AT UJAMPADY HOUSE
DELAMPADY POST AND VILLAGE, KASARAGOD TALUK
KASARAGOD DISTRICT.**
- 2. M.H. SHAHUL, AGED 22 YEARS
RESIDING AT KOTHIYADI HOUS, KARUNNUR.P.O., NETHANIKA
KASARAGOD TALUK, KASARAGOD DISTRICT.**
- 3. M.B. ASHRAF, AGED 39 YEARS
S/O. LATE MUHAMMED, RESIDING AT UJAMPADY HOUSE
KELAMPADY POST AND VILLAGE, KASARAGOD TALUK
KASARAGOD DISTRICT.**
- 4. EYYAS, AGED 24 YEARS
S/O. A.K. MUHAMMED, PALLANGODE, URDUR POST
ADOOR VILLAGE, KASARAGOD TALUK, KASARAGOD DISTRICT.**
- 5. ANWAR, AGED 28 YEARS
S/O. U.M. ABBAS, RESIDING AT PALLANGODE, URDUR POST
ADOOR VILLAGE, KASARAGOD TALUK, KASARAGOD DISTRICT.**
- 6. A.H. MOHAMMED KUNHI, AGED 40 YEARS
S/. LATE HASSAINAR HAJI, RESIDING AT PALLANGODE
URDUR POST, ADOOR VILLAGE, KASARAGOD TALUK
KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT(S)/STATE:

**THE STATE OF KERALA, THROUGH THE STATION HOUSE OFFICER
ADHUR POLICE STATION, KASARAGOD DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

B.KEMAL PASHA, J.

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B.A. No. 6452 of 2014

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Dated this the 10th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1, A9, A5, A7, A8 and A10 in Crime No.400 of 2014 of the Adhur Police Station, registered for the offences punishable under Sections 143, 147, 148, 341, 324 and 308 read with Section 149 of the Indian Penal Code.

3. The incident in the case is relating to one of the continued fights between two groups among Muslims. They have taken into their hands the so-called ideology of two self proclaimed leaders of the community. Their ideology has now being used by two war groups in the community for settling scores in streets. In the incident, two crimes have been registered and many persons have become injured. In fact, these persons are unfortunate victims, as they are seriously misled.

4. On going through the wound certificates, I do not find any injury at all. On hearing the learned counsel for the petitioners and the learned Public Prosecutor, and on a perusal of the CD, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for Rs.₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioners shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Tuesdays and Fridays commencing from 17.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

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

(iv) The petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/10/2/15

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P.A. To Judge