

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. 6589 of 2015 ()

CRIME NO. 488/2015 OF ALATHUR POLICE STATION , PALAKKAD

PETITIONER(S):

1. ABDUL SALAM, AGED 37 YEARS
S/O.MAMMU, KOMATHUPARAMBU VEEDU, AMBALAKKAD
THONIPPADAM, ALATHUR, PALAKKAD.
2. REJIM, AGED 35 YEARS,
S/O.AALI, CHERUTHODI, VAVULYAPURAM
ALATHUR, PALAKKAD.
3. REFIQ, AGED 34 YEARS,
S/O.HAJARUMMA, MARUTHAKKODE, VAVULYAPURAM
ALATHUR, PALAKKAD.
4. MUHAMMEDALI, AGED 40 YEARS,
CHAPRA VEEDU, MARUTHAKKODE, THONIPPADAM
VAVUYAPURAM, ALATHUR, PALAKKAD.

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S):

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI 682 031.

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

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

RAJA VIJAYARAGHAVAN.V. J

B.A.6589 of 2015

Dated 30th October, 2015

ORDER

1. This application is filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.
2. The petitioners herein are accused Nos.1, 4, 7 and 11 of Alathur police station, Palakkad. The said crime has been registered alleging offence punishable u/s 143, 145, 147, 148, 152, 188, 283, 332 r/w S.149 of the IPC.
3. The allegation is that on 18.4.2015 at about 9.15 am, a factional fight occurred between members of two rival political parties when some flex boards erected at Ambalakkad in connection with the festival of the Annapoorneshwari temple were found to be destroyed. Further allegation is that, accused persons disobeyed the orders and pelted stones at the police personnel causing them injuries.

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

5.The learned counsel for the petitioners submitted that the petitioners had nothing to do with the incident and they have been included in the array of the accused as they were found in the vicinity of the temple . According to the learned counsel they are devotees and the actual culprits have escaped the clutches of law.

6.The learned Public Prosecutor opposed the application . However it was submitted, on the basis of the materials in the case diary, that only trivial injuries have been sustained.

7.In the above fact scenario and taking note of the seriousness and gravity of the allegations and the other circumstances, I am of the considered view that the custodial interrogation of the petitioners is not

warranted.

8. 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