

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 6718 of 2015 ()

**CRIME NO. 1204/2015 OF PERINTHALMANNA POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONERS/ACCUSED NOS. 1 TO 3 :

- 1. SHAHUDEEN, AGED 33 YEARS
S/O.MOIDEENKUTTY, MANIYANKUNNAN HOUSE
CHUNDAMPETTA P.O., PALAKKAD DISTRICT.**
- 2. SABEER ALI, AGED 38 YEARS
S/O.ABDU, KAVAPURA PUTHENPEEDIYEKKAL,
ANNAMANGAD, PERINTHALMANNA, MALAPPURAM.**
- 3. ABDUL BASHEER, AGED 29 YEARS
S/O.SRAJUTTY, VALIYATHODY HOUSE, KUNNAKAVU P.O.,
(VIA) MALAPPURAM.**

BY ADV. SRI.P.M.HABEEB

RESPONDENT/DE-FACTO COMPLAINANT :

**STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM
(CRIME NO.1204/2015 OF PERINTHALMANNA POLICE STATION)**

BY PUBLIC PROSECUTOR SMT. V.H. JASMINE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K.P. JYOTHINDRANATH, J.

B.A. No.6718 of 2015

Dated this the 2nd day of December, 2015

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure.

2. When the petition came up for hearing, the learned counsel for the petitioners submitted before me that earlier the petitioners have filed Crl.M.C.No.6763/2015 before this court to quash the proceedings. At that point of time, as the prosecution reported that so far the petitioners have not made accused, the petition was dismissed with liberty to file a fresh application. It is also submitted by the counsel for the petitioners that Section 308 of I.P.C. is incorporated to make it a grave offence so as to harass the petitioners. The alleged weapon is only a small stick and further it is a matter already settled between the parties.

3. I heard the learned Public Prosecutor.

4. The learned Public Prosecutor submitted before me that if the matter is already settled between the parties,

she is not standing on the way to disturb such a settlement.

5. After hearing the learned Public Prosecutor and the learned counsel for the petitioners, I feel that this is a case where anticipatory bail can be granted on the following conditions:

1. The petitioners shall appear before the Investigating Officer within 10 days of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioners. After interrogation, if the police officer feels that arrest is necessary, he is at liberty to arrest the petitioners. After arrest, if any recovery is necessary, that also can be made. Thereafter the petitioners shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like amount to the satisfaction of the officer concerned.
2. The petitioners shall not commit similar offences during the bail period.

3. The petitioners shall not influence or intimidate the witnesses.

On the above conditions, this anticipatory bail application is allowed.

Sd/-

**K.P. JYOTHINDRANATH
JUDGE**

//True copy//

P.A. TO JUDGE

shg/