

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

Bail Appl..No. 6972 of 2015

CRIME NO. 238/2014 OF CHOKLI POLICE STATION, KANNUR.
.....

PETITIONERS/ACCUSED 1TO 4 AND 6:

1. NELLIYILLATH ISMAIL, S/O MAMMU HAJEE,
AGED 44 YEARS, NELLIYILLATH, ANIYARAM,
PERINGATHUR.
2. PAYALATH RAFEEQUE, S/O ABDULLA,
AGED 44 YEARS,PAYALATH HOUSE, ANIYARAM,
PERINGATHUR P.O., THALASSERY TALUK.
3. KATTIL PEEDIKAYIL SAMEER, S/O ABDULLA,
AGED 31 YEARS, KATTIL PEEDIKAYIL, ANIYARAM,
PERINGATHUR.
4. C.ARSHAD, AGED 23 YEARS,
CHATHOTH HOUSE, ANIYARAM, PERINGATHUR P.O.,
THALASSERY TALUK.
5. KABEER N.V., S/O ABOOBACKER, AGED 26 YEARS,
NAMBEESAN VEETIL, PERINGATHUR P.O.,
THALASSERY TALUK.

BY ADV. SRI.NIRMAL. S

RESPONDENT/COMPLAINANT:

**STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE,
CHOKLI POLICE STATION,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, COCHIN-82031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A No.6972 of 2015

Dated this the 24th day of November, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 4 and 7 in Crime No.238 of 2014 of Chokli Police Station registered for offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 r/w Section 149 I.P.C.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. Prosecution case, in short, is that on 10-03-2014 at about 11.30 hours, the accused persons as members of an unlawful assembly, armed with iron pipe and wooden stick attacked the defacto complainant causing injuries.

5. Learned counsel for the petitioners submitted that they are innocent of all allegations. Learned Public Prosecutor opposed the bail application contending that the first accused used an iron pipe and the second accused used wooden stick to unleash the

attack. Other accused persons did not use any weapon. The wooden stick allegedly used by the second accused was recovered. Iron pipe said to have been used by the first accused could not be recovered. Therefore, I do not deem it fit to grant pre-arrest bail to the first petitioner/first accused. Petitioners 2 to 5/accused Nos.2 to 4 and 7 shall be released on bail on following conditions :

1. Petitioners 2 to 5 shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, they shall be released on bail on executing a bond for Rs.25,000/- each (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency. The Investigating Officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

- 3 Petitioners shall appear before the Investigating Officer on all Saturdays between 10.00 and 11.00 a.m until final report is filed.
4. Petitioners shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

**Sd/-
A.HARIPRASAD,
JUDGE.**

amk

//True copy//

P.A to Judge