

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Bail Appl..No. 7198 of 2015

CRIME NO. 488/2015 OF ALATHUR POLICE STATION, PALAKKAD DISTRICT.
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PETITIONER(S)/ACCUSED 2, 4 TO 8 & 11:

1. SANTOSH, S/O.ANDAVAN, AGED 35 YEARS,
CHAPRA VEEDU, THONIPADAM,
ALATHUR TALUK, PALAKKAD DISTRICT
2. SULAIMAN, S/O.IBRAHIM, AGED 62 YEARS,
ANJANGADY, VAVULLIYAPURAM,
ALATHUR TALUK, PALAKKAD DISTRICT.
3. MUHAMMAD SALIM S/O.SULAIMAN,
AGED 38 YEARS, ANJANGADY, VAVULLIYAPURAM,
ALATHUR TALUK, PALAKKAD DISTRICT.
4. NASSAR, S/O.SAIDE MUHAMMAD, AGED 42 YEARS,
MARUTHATHODE, THONIPADAM,
ALATHUR TALUK, PALAKKAD DISTRICT.
5. SUBAIR, S/O.SAIDE MUHAMMAD, AGED 38 YEARS,
PALAKALAM, THONIPADAM, VAVULLIYAPURAM,
ALATHUR TALUK, PALAKKAD DISTRICT.
6. RAVICHANDRAN, S/O.BALAKRISHNAN,
AGED 20 YEARS, KUNDUKAD, THONIPADAM,
ALATHUR TALUK, PALAKKAD DISTRICT.
7. JALAL, S/O.MUHAMMAD, AGED 20 YEARS,
CHAPRA HOUSE, MARUTHATHODE,
THONIPADAM, VAVULLIYAPURAM,
ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.BABY MATHEW

Bail Appl..No. 7198 of 2015

RESPONDENT(S)/STATE:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. SUB INSPECTOR OF POLICE,
ALATHUR POLICE STATION,
PALAKKAD DISTRICT - 678 541.

BY PUBLIC PROSECUTOR SMT.R.REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

A.HARIPRASAD, J.

B.A No.7198 of 2015

Dated this the 23rd day of November, 2015.

ORDER

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

2. Petitioners are accused Nos.2, 5, 3, 6, 8, 10 and 9 in Crime No.488 of 2015 of Alathur Police Station registered for offences punishable under Sections

3. Prosecution case, in short, is that on 18-04-2015 at about 19.15 hours, around 200 persons belonging to two political outfits, formed themselves into an unlawful assembly armed with weapons. When the Police Officers tried to disburse the mob, they pelted stones causing injury to the Police Officers and thereby prevented discharge of their duty.

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

5. Learned counsel for the petitioners submitted that around 200 persons were in the assembly and the petitioners were not named in the first information statement or other documents.

Learned Public opposed the bail application. Considering the nature of allegations and the injuries sustained by the defacto complainant, I find that bail can be granted to the petitioners with following directions :

1. Petitioners 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 as and when directed.
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.

**A.HARIPRASAD,
JUDGE.**

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