

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. 7217 of 2015 ()

CRIME NO. 819/2015 OF THENHIPALAM POLICE STATION,MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED:

1. YOONUS.T, S/O. KUNHIMOHAMMED, AGED 30 YEARS,
VADIYAR PARAMBU, PARAMBIL PEEDIKA,
MALAPPURAM DIST.
2. UMMER FAROOK.M.K., S/O. ALAVI, AGED 25 YEARS,
CHAVAPPAN THODI, PARAMBIL PEEDIKA,
MALAPPURAM DIST.
3. MOHAMMAD MUSTHAFA M.K.,S/O. ALI, AGED 29 YEARS,
PALLIYALIL, PARAMBIL PEEDIKA, MALAPPURAM DIST.
4. MOHAMAD NASEEF.T.,
S/O. ABDUNASAR VADIYAR, AGED 22 YEARS,
PARAMBIL PEEDIKA, MALAPPURAM DIST.
5. MASSHOOD M.P.,S/O. UMMER, AGED 21 YEARS,
THOTTUNGALKANDI PARAMBIL PEEDIKA,
MALAPPURAM DIST.
6. HAMSA M.,S/O. ABOOBACKER, AGED 28 YEARS,
CHATRATHODI, PARAMBIL PEEDIKA,
MALAPPURAM DIST.

**BY ADVS.SRI.V.T.RAGHUNATH
SMT.C.V.RAJALAKSHMI
SRI.P.M.MOHAMMED SHAREEF**

RESPONDENT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 018**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

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

sts

A.HARIPRASAD, J.

B.A.No.7217 of 2015

Dated this the 24th day of November, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.2, 4, 5, 3, 7 and 1 in Crime No.819 of 2015 of Thenhippalam Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 r/w Section 149 of the Indian Penal Code.

3. Prosecution case is that on 11.10.2015 at about 18.30 hours, the accused 1 to 7 as members of an unlawful assembly armed with deadly weapons, restrained the defacto complainant and attacked him. The accused threatened that the defacto complainant would be killed. It is alleged that the first accused used a knife to inflict a stab injury on the defacto complainant. Other accused assaulted him.

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

5. Learned Public Prosecutor opposed the bail application contending that first accused is involved in one crime and proceeded under Section 107 Cr.P.C. Second accused is involved in another crime.

6. Considering the nature of allegations and the fact that recovery of the weapon has not been effected, I do not deem it fit to grant anticipatory bail to the first accused. Hence, the following directions are issued:

The 1st accused shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. The Investigating Officer shall produce him before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the 1st accused is free to move for bail before the learned Magistrate and in that event, the learned Magistrate may consider the application on merits as early as possible.

7. Insofar as, other accused persons are

concerned, I am inclined to grant anticipatory bail to them with the following directions:

- (a) The accused 2 to 5 and 7 shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on executing a bond for ₹50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The accused 2 to 5 and 7 shall appear before the Investigating Officer on all Saturdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (c) The accused 2 to 5 and 7 shall co-operate with the investigation of the case.
- (d) The accused 2 to 5 and 7 shall not intimidate or attempt to influence the

witnesses.

- (e) The accused 2 to 5 and 7 shall not in any manner interfere or meddle with the investigation.
- (f) The accused 2 to 5 and 7 shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. To Judge