

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937Q

Bail Appl..No. 7280 of 2015 ()

CRIME NO. 508/2015 OF MANKARA POLICE STATION, PALAKKAD DISTRICT

PETITIONER/ACCUSED NO.9 :

**MITHULAJ, AGED 20 YEARS
S/O.AZEEZ, MANAPPULLY PARAMBIL HOUSE, KIZHAKKUMMURI
KODUNTHIRAPPULLY P.O., PIRAYIRI, PALAKKAD DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

Bail Appl. No.7280 of 2015

Dated this the 30th day of November 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the 5th accused in Crime No.508 of 2015 of Mankara Police station registered for the offences punishable under Secs.143, 147, 148, 341, 324 and 307 read with Sec.149 of the Indian Penal Code. Prosecution case in short is that on 14.08.2015 at about 11.30 p.m., the petitioner along with eight accused persons formed themselves into an unlawful assembly armed with weapons like chopper, sticks etc. assaulted the defacto complainant causing injuries to him.

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

4. Learned counsel for the petitioner submitted that the petitioner and others are sympathizers of a political outfit and the defacto complainant is a member of another party. There was a group clash between them and a counter case has also registered as Crime No.509

of 2015 of the same Police station. It is also submitted that, in the other case, the accused persons, who were not involved directly in the overt act were granted pre arrest bail. According to the counsel, the petitioner also stands on the same footing.

5. Learned Public Prosecutor opposed the bail application contending that the petitioner used stick in the incident. Wound certificate of the injured shows corresponding contusions on the body.

Considering the nature of allegations, pre arrest bail is granted to the petitioner with the following conditions.

1. The petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation.

2. After interrogating the petitioner, the petitioner shall be released on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the

investigating officer.

3. The petitioner shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

4. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

5. The petitioner shall co-operate with investigation of the case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/30/11/2015

P.A. To Judge