

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

Bail Appl..No. 7307 of 2015 ()

CRIME NO. 1686/2015 OF TALIPARAMBA POLICE STATION,KANNUR DISTRICT

PETITIONER(S)/PERSONS APPREHENDING ARREST:

- 1. BATHALI ATHA UMMER,
S/O.BATHALI ATHA SAJITHA, AGED 23 YEARS, SALESMAN,
RESIDING AT BATHALI ATHA HOUSE, UNDAPPARAMBA,
TALIPARAMBA, KANNUR.**
- 2. BATHALI ATHA SAJITHA,
W/O.MOIDEEN,AGED 44 YEARS, NO OCCUPATION,
RESIDING AT BATHALI ATHA HOUSE, UNDAPPARAMBA,
TALIPARAMBA, KANNUR.**
- 3. BATHALI ATHA SAKKEENA,
D/O.BATHALI ATHA SAJITHA,AGED 25 YEARS,
RESIDING AT BATHALI ATHA HOUSE, UNDAPPARAMBA,
TALIPARAMBA, KANNUR.**

BY ADV. SRI.MAHESH V RAMAKRISHNAN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A. HARIPRASAD, J.

Bail Appl. No.7307 of 2015

Dated this the 10th day of December 2015

O R D E R

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

2. Petitioners are accused nos.2 to 4 in Crime No.1686 of 2015 of Taliparamba Police station registered for the offences punishable under Sec.225, 353, 332, 333, 323 and 506(ii) read with Sec.34 of the Indian Penal Code. Prosecution case is that, on 06.10.2015 at about 3.50 a.m., on getting information that the 1st accused, who is an accused in two crimes, was staying in his wife's house, the Police party went to arrest him. While the 1st accused tried to run away, the Police party restrained and arrested him. The petitioners attacked the Police officers and tried to free the arrested person. In the process, the defacto complainant, a Civil Police officer sustained injuries.

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

4. Learned Public Prosecutor opposed the bail

application. It is submitted that the accused persons tried to meddle with enforcement of law.

5. Learned counsel for the petitioner submitted that since the Police officers came during night to arrest the 1st accused they offered resistance. It is to be noted that there is no authority for any citizen to resist arrest in a criminal case even if it is in the dead of night.

6. I am not impressed with the contention raised by the petitioners. Considering the fact that petitioners 2 and 3 are ladies, I am inclined to grant pre arrest bail to them.

1. Accused nos. 2 to 4 shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation.

2. After questioning, the Investigating Officer shall produce the 1st petitioner (2nd accused) before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the 1st petitioner (2nd

accused) is free to move for bail before the learned Magistrate and in that event, the learned Magistrate may consider the application on merits if possible on the date of surrender itself. If the 1st petitioner (2nd accused) does not surrender before the investigating officer as directed, the investigating officer is free to arrest him after the stipulated period.

3. In the event of arrest in Crime No.1686 of 2015 of Taliparamba Police station, the petitioners 2 and 3 (accused nos.3 and 4) shall be released on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

4. The petitioners 2 and 3 shall appear before the Investigating Officer for interrogation as and when directed by him

in writing.

5. The petitioners 2 and 3 shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

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/10/12/2015

P.A. To Judge