

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 7485 of 2015 ()

CRIME NO. 469/2015 OF VIDYANAGAR POLICE STATION, KASARAGOD DISTRICT.

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PETITIONERS/ACCUSED NO.1 TO 7:

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- 1. MAHSOOD, S/O.AK. MUHAMMED,
AGED 18 YEARS, CHEROOR P.O.,
KASARAGOD DISTRICT, PIN-671 123.**
 - 2. RASHEED K.A., S/O.ABBAS,
AGED 19 YEARS, KOTTA HOUSE,
CHEROOR P.O., KASARAGOD DISTRICT, PIN-671 123.**
 - 3. K.C. ABDUL RAHIMAN, S/O.ABDULLA,
AGED 44 YEARS, KUMBAKKODU HOUSE,
CHEROOR P.O., KASARAGOD DISTRICT, PIN-671 123.**
 - 4. ABDULLA, S/O.MOIDEEN KUNHI, AGED 44 YEARS,
CHERIYA VEEDU HOUSE, CHEROOR P.O.,
KASARAGOD DISTRICT, PIN-671 123.**
 - 5. SHAKKEER, S/O.ABDULLA,
AGED 30 YEARS, CHEROOR P.O.,
KASARAGOD DISTRICT, PIN-671 123.**
 - 6. ASIF, S/O.ABDULLA, AGED 19 YEARS,
KOVVAL HOUSE, CHEROOR P.O.,
KASARAGOD DISTRICT, PIN-671 123.**
 - 7. ASHRAF M.M., S/O.MOIDEEN KUNHI,
AGED 30 YEARS, MENAMKOD HOUSE,
CHEROOR P.O., KASARAGOD DISTRICT, PIN-671 123.**

**BY ADVS.SRI.V.A.SATHEESH,
SRI.V.T.MADHAVANUNNI.**

Bail Appl..No. 7485 of 2015

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA THROUGH S.H.O.,
VIDYANAGAR POLICE STATION,
KASARAGOD DISTRICT.**

BY PUBLIC PROSECUTOR SMT.TY. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

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B.A.No.7462 of 2015

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Dated this the 2nd day of December, 2015

ORDER

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

2. The accused 1 to 4 and 6 to 8 in Crime No.469/2015 of Vidyanagar Police Station registered under Sections 143, 147, 148, 341, 323, 324, 326, 427 read with Section 149 of the Indian Penal Code, are the petitioners. They seek pre-arrest bail. Allegation against them is that, on 07-11-2015 at about 8.00 p.m, they along with other accused as members on an unlawful assembly, attacked the de facto complainant and others, who are their political opponents.

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

4. Learned counsel for the petitioner relying on Annexure.A2, submitted that the second accused sustained injury in the incident and he sustained nasal bone fracture. That fortifies the presence of the accused at the time of occurrence. Learned Prosecutor opposed

the bail application. She contended that accused 1 to 3 used weapons and others used hands.

5. Considering the nature of allegations, I am inclined to grant anticipatory bail to the petitioners with the following conditions:

- (a) petitioners 1 to 3 shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. The Investigating Officer shall produce them before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioners are free to move for regular 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.
- (b) Petitioners 4 to 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 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.

- (c) The petitioners shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (d) The petitioners shall co-operate with the investigation of the case.
- (e) The petitioners shall not intimidate or attempt to influence the witnesses.
- (f) The petitioners shall not in any manner interfere or meddle with the investigation.
- (g) Petitioners 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.

AVS

//TRUE COPY//

P.A TO JUDGE