

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Bail Appl..No. 7540 of 2015 ()

CRIME NO. 1037/2015 OF PATTAMBI POLICE STATION, PALAKKAD DISTRICT

PETITIONERS/ACCUSED 1 & 3 :

1. **ABDUL BARI K.T.,
S/O.MOIDEENKUTTY, AGED 53 YEARS
KALATHILOTHODI HOUSE, SANKARAMANGALAM,
PATTAMBI, PALAKKAD DISTRICT.**
2. **MANSOOR
S/O.MUHAMMED KUTTY, AGED 34 YEARS
ETILATHODI HOUSE, SANKARAMANGALAM
PATTAMBI, PALAKKAD DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANTS & STATE :

1. **SUB INSPECTOR OF POLICE
PATTAMBI POLICE STATION,
PALAKKAD DISTRICT-678 001.**
2. **STATE OF KERALA
(RESPONDENTS 1 & 2
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
COCHIN-682 031).**

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.7540 of 2015

Dated this the 8th day of December, 2015.

ORDER

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

2. Petitioners are accused Nos.1 and 3 in Crime No.1037 of 2015 of Pattambi Police Station registered for offences punishable under Sections 143, 147, 148, 323, 427 and 308 r/w Section 149 I.P.C.

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

4. Prosecution case, in short, is that on 02-11-2015 at about 8.45 p.m., the accused as members of an unlawful assembly, armed with dangerous weapons, committed rioting and attacked the defacto complainant with a view to commit culpable homicide. Fourth accused used an iron block against the defacto complainant. Petitioners have not used any weapon.

5. After hearing the learned counsel for the petitioners and the learned Public Prosecutor, I am of the view that custodial

interrogation is not necessary in this case. Hence, following directions are made :

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.

Sd/-
A.HARIPRASAD,
JUDGE.

amk

//True copy//

P.A to Judge