

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Bail Appl..No. 7815 of 2015 ()

CRIME NO. 1432/2015 OF TIRURANGADI POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED 1 TO 5 :

1. MUSTAFA,
S/O.KUNHALAVI, AGED 35 YEARS
KUNNATHAN KARKOLLI HOUSE, KODINHI P.O.
TIRURANGADI, MALAPPURAM DISTRICT.
2. USMAN,
S/O.KUNHALAVI, AGED 32 YEARS
KUNNATHAN KARKOLLI HOUSE, KODINHI P.O.
TIRURANGADI, MALAPPURAM DISTRICT.
3. RAFEEQUE,
S/O.KUNHALAVI, AGED 26 YEARS
KUNNATHAN KARKOLLI HOUSE, KODINHI P.O.
TIRURANGADI, MALAPPURAM DISTRICT.
4. SADIQUE,
S/O.KUNHALAVI, AGED 22 YEARS
KUNNATHAN KARKOLLI HOUSE, KODINHI P.O.
TIRURANGADI, MALAPPURAM DISTRICT.
5. JAFFAR,
S/O.KUNHI MOHAMMED, AGED 37 YEARS
PALLIYALI, KODINHI P.O.
TIRURANGADI, MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING SUB INSPECTOR OF POLICE
TIRURANGADI POLICE STATION,
MALAPPURAM DISTRICT
PIN – 676306.**

***ADDL. R2 IMPEADED**

***ADDL.R2. SAINABA
W/O. EBRAHIM, AGED 41 YEARS
KANNITHODIKA HOUSE, KODINHI P.O.,
KALAMTHIRUTHI, NANNAMBRA
TIRUVANGADI, MALAPPURAM DISTRICT
PIN -**

***ADDL. R2 IS IMPEADED AS PER ORDER IN CRL.M.A. NO. 11628/2015
DATED 18/12/2015.**

**R1 BY PUBLIC PROSECUTOR SRI. K.K. RAJEEV
ADDL.R2 BY ADV. SRI.T.K.KUNHABDULLA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.7815 of 2015

Dated this the 18th day of November, 2015.

ORDER

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

2. Petitioners are the accused Nos.1 to 5 in Crime No.1432 of 2015 of Thirurangadi Police Station registered for offences punishable under Sections 143, 147, 452, 294(b) and 506(ii) r/w Section 149 I.P.C.

3. Prosecution case, in short, is that on 05-11-2015 at about 9.00 p.m., the accused persons formed themselves into an unlawful assembly, criminally trespassed into the house of the defacto complainant and committed rioting.

4. Heard the learned counsel for the petitioners, learned counsel for the defacto complainant and the learned Public Prosecutor.

5. Learned counsel for the petitioners submitted that earlier father of petitioners 1 to 4 and father-in-law of 5th petitioner was attacked and in connection with that in spite of serving an intimation from the hospital, police did not register a crime. So

Annexure A2 complaint was filed before the learned Magistrate.

6. Learned counsel for the defacto complainant submitted that petitioners 2 and 3 are accused in another crime pending in C.C No.592/2015 on the file of the J.F.C.M - I, Parappanangadi. He opposed the bail application.

7. Learned Public Prosecutor also opposed the bail application. Considering the nature of allegations and that only Section 452 I.P.C is the non bailable offence, I find that bail can be granted to the petitioners with following directions :

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.

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P.A to Judge

amk