

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

Bail Appl..No. 7831 of 2015

CRIME NO. 1079/2015 OF PAYANGADI POLICE STATION, KANNUR
.....

PETITIONER(S)/ACCUSED NOS.2 & 6:

- 1. E.V.SABEER, AGED 32 YEARS,
S/O.AZEEZ, MUTTOM, PAYANGADI,
KANNUR DIST.**
- 2. RAFFEK S.H., AGED 36 YEARS,
S/O.BAVA, SAIDUMMADAKATH, NEAR JUMA MASJIT,
MUTTAM, MADAYI AMSOM.**

BY ADV. SRI.C.K.SREEJITH

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. STATION HOUSE OFFICER,
PAYANGADI, KANNUR DIST.,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
09-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.SUDHEENDRA KUMAR, J.

B.A.No.7831 of 2015

Dated this the 9th day of December, 2015

ORDER

This is an application filed under Section 439 of the Code of Criminal Procedure.

2. The petitioners are accused Nos.2 and 6 in Crime No.1079 of 2015 of Payangadi Police Station registered under Sections 143, 147, 148, 447 and 436 r/w Section 149 of the Indian Penal Code. Prosecution allegation is that on 02.11.2015 at about 02.00 a.m., the petitioners along with other accused formed themselves into an unlawful assembly, committed rioting armed with deadly weapons and demolished the window panes of the house of the defacto complainant and thereafter, trespassed into the said house and set fire the foot mat of the house causing a loss to the tune of ₹3,000/- to the defacto complainant. The petitioners were arrested on 13.11.2015 and ever since, they have been in custody.

3. Heard. Perused the case diary.

4. It appears from the case diary that the major

part of the investigation as regards the petitioners is almost complete. It has been submitted by the learned Public Prosecutor that the petitioners are not involved in any other offence of similar nature.

5. Considering the facts and circumstances of the case, including the period of detention of the petitioners and also taking into consideration of the fact that the petitioners are the first time offenders, I am inclined to grant bail to the petitioners.

In the result, this application stands allowed and the petitioners shall be enlarged on bail on each of the petitioners executing a bond for ₹30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the jurisdictional magistrate concerned and subject to the following further conditions:

- (a) The petitioners shall report before the Investigating Officer on every Monday between 09.00 a.m and 11.00 a.m. for a period of three months and thereafter, as and when required by the Investigating Officer in

writing to do so.

- (b) The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.
- (c) The petitioners shall not get involved in any offence while on bail.

Sd/-

B.SUDHEENDRA KUMAR, JUDGE.

AS

/True Copy/

P.A. to Judge