

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Bail Appl..No. 8031 of 2015 ()

**CRIME NO. 1647/2015 OF MANJERI POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONERS/ACCUSES NOS. 1 TO 3 :

- 1. KAPRAKKADAN ANWAR, AGED 28 YEARS,
S/O. KUNHIMUHAMMED, KAPRAKKADAN HOUSE, PULLARA,
MELMURI, VALLUVAMBRAM, MALAPPURAM DISTRICT.**
- 2. KAPRAKKADAN RASHEED, AGED 27 YEARS,
S/O. MUHAMMED KUNHI, KUNNUMMAL HOUSE, PULLARA,
MELMURI, VALLUVAMBRAM, MALAPPURAM DISTRICT.**
- 3. KAPRAKKADAN YASAR, AGED 25 YEARS,
S/O. KUNHIMUHAMMED, KUNNUMMAL HOSUE, PULLARA,
MELMURI, VALLUVAMBRAM, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE AND COMPLAINANT :

- 1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.**
- 2. THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION, MALAPPURAM DISTRICT
PIN:676121.**

R1 & R2 BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

P.BHAVADASAN, J.

B.A.No. 8031 of 2015

Dated this the 23rd day of December, 2015

ORDER

This is a petition filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail. Petitioners are accused in Crime No. 1647/2015 of Manjeri Police Station for having committed offences punishable under Sections, 143, 147, 148, 341, 323 and 324 read with Section 149 of IPC.

2. Petitioners point out that much later after the crime has been registered that the offences were incorporated. Later, with ulterior motive, Section 308 of IPC has been incorporated so as to see that petitioners are denied bail. Petitioners disowned any act as alleged against them.

3. The learned Public Prosecutor opposed the application and pointed out that the injuries caused are serious in nature and the anticipatory bail may not be granted to the petitioners.

4. After having heard the learned counsel for the petitioners and the learned Public Prosecutor and after having gone through the records, it is felt that considering the nature of injuries caused and the weapons used, it may not be appropriate to grant anticipatory bail to the petitioners.

However, if so advised, petitioners may surrender before the Investigating Officer on or before **11.01.2016**, who after interrogation, shall produce them before the JFCM Court concerned. If the petitioners move an application for bail before the said court, the learned Magistrate shall consider and pass appropriate orders thereon in accordance with law, preferably on the date of surrender itself.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge