

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. 8082 of 2015 ()

CRIME NO. 1096/2015 OF VADAKEKAD POLICE STATION, THRISSUR DISTRICT

PETITIONERS/ACCUSED :

- 1. SHAJAHAN, AGED 39 YEARS
S/O.HYDER, KIZHAKOOT HOUSE, PUNNAYUR
VADAKEKAD, THRISSUR.**
- 2. HASEENA, AGED 52 YEARS
W/O.UMMER & D/O.HYDER, POOVARAKAYIL HOUSE,
PUNNAYUR, VADAKEKAD, THRISSUR.**
- 3. UMMER, AGED 54 YEARS
S/O.MUHAMMU, POOVARAKAYIL HOUSE, PUNNAYUR
VADAKEKAD, THRISSUR.**
- 4. JAMSHIYA, AGED 37 YEARS
W/O.SHAJAHAN, KIZHAKOOT HOUSE, PUNNAYUR
VADAKEKAD, THRISSUR.**
- 5. MAHAROOF, AGED 19 YEARS
S/O.SHAJAHAN, KIZHAKOOT HOUSE, PUNNAYUR
VADAKEKAD, THRISSUR.**

BY ADV. SRI.RAJIT

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**

BY SR. PUBLIC PROSECUTOR SRI. C. RASHEED

**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.8082 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 in Crime No.1096 of 2015 of Vadakekad Police Station registered for offences punishable under Sections 143, 147, 148, 462, 341, 323, 324, 354, 294(b) and 506 r/w Section 149 I.P.C.

3. Prosecution case, in short, is that on 04-12-2015 at about 8.00 p.m., the accused persons trespassed into the house of the defacto complainant and committed the aforementioned offences.

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

5. Learned Public Prosecutor opposed the bail application. Learned counsel for the petitioners submitted that the defacto complainant is the father of the petitioners 1 and 2. Other petitioners are relatives of the defacto complainant. Considering the nature of allegations, I am of the view that no custodial interrogation

is necessary in this case. Hence, following directions are issued :

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