IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Bail Appl..No. 8625 of 2014

CRIME NO. 873/2014 OF BEKAL POLICE STATION, KASARGOD

PETITIONERS/ACCUSED:

1. P.A.MUHAMMED @ SALAM, AGED 39 YEARS
S/O. ABBAS, RESIDING AT MOONAMKADAVU, P.O.PERIYA
PERIYA VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.

2. SARASEERUHAN P. @ SARASU AGED 44 YEARS
S/O. P.KUNHAMBU NAIR, RESIDING AT BANAM, P.O. PERIYA
VELLARIKUNDU TALUK, KASARAGOD DISTRICT.

BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.HASHIR
SRI.K.M.MUHAMMED HUSSAIN

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING S.H.O. BEKAL POLICE STATION
KASARAGOD DISTRICT. Pin- 671 121

BY PUBLIC PROSECUTOR SRI. JUSTINE JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RAJA VIJAYARAGHAVAN.V. J

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B.A.8625 of 2014

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Dated 22nd June, 2015

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ORDER

1. This application under Section 438 of the Code of Criminal Procedure is preferred by the petitioners who are the 1st and 2nd accused in Crime No.873 of 2014 of Bekel police station, Kasargod District. The said crime is registered for offence punishable under Sections 353, 294B and 506(i) r/w Section 34 IPC.

2. The gist of the allegation against the petitioners is that on 30.11.2014 at about 3.00 pm, the 1st petitioner used abusive language and obstructed the official duty of the de facto complainant who was the Head Master of GHSS, Periya, where the son of the 1st accused is studying, and thus committed the offense.

3. I have heard the learned counsel for the petitioner as well as the learned Public Prosecutor. I have gone

through the case diary as well.

4. The learned counsel for the petitioner would submit that his son is a student of the said School. The 1st petitioner was summoned to the School in connection with the some complaint against his son. There arose a wordy altercation between the 1st petitioner and the Head Master but it did not escalate into anything serious. It was submitted that it was in the spur of the moment when the tempers ran high that the incident had taken place. The learned Public Prosecutor on the other hand, opposed the grant of pre-arrest bail on the ground that the 1st petitioner has abused the Head Master of the School and its teachers.

5. Having regard to the allegations levelled against the petitioners, the relative conduct of the parties, the nature of injuries sustained by the injured and the other circumstances of the case, I am inclined to grant anticipatory bail to the petitioners .

(i). The officer in charge of investigation or such other officer arresting the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on their executing a bond for 25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(ii) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Saturdays, thereafter for a period of three months or till the filing of the final report in this case, whichever is earlier.

(iii) The petitioners shall not tamper with the evidence or influence witnesses.

(iv) The petitioners shall make

themselves available for interrogation as and when required by the investigating officer.

(v) The petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

Mrcs

//True Copy//

P.S.ToJudge