

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Bail Appl..No. 8768 of 2014 ()

CRIME NO. 686/2014 OF IRIKKUR POLICE STATION, KANNUR DISTRICT

PETITIONERS/ACCUSED NO. 1 TO 5 :

1. AHAMMED KUTTY MOULAVI
S/O.KHADER, AGED 42 YEARS, MADRASSA TEACHER
PALAKKAL PUTHIYAPURAYIL HOUSE, BLATHUR, KALLIAD P.O.
KALLIAD AMSOM, IRITTY TALUK, KANNUR DISTRICT.
2. ANSAR K.,
S/O.MUHAMMEDALI, AGED 24 YEARS
KUNNUMPURATH HOUSE, BLATHUR
KALLIAD P.O., KALLIAD AMSOM, IRITTY TALUK
KANNUR DISTRICT.
3. SHARAFUDHEEN
S/O.MOIDEEN KUTTY, AGED 34 YEARS, OFFICE ATTENDANT
LOCAL SELF GOVERNMENT DEPARTMENT, ZEENATH MANZIL
CHANDROTH, BLATHUR, KALLIAD P.O.
KALLIAD AMSOM, IRITTY TALUK, KANNUR DISTRICT.
4. HARIS P.,
S/O.ABOOBACKER, AGED 19 YEARS
PUTHIYA PURAYIL HOUSE, BLATHUR
KALLIAD P.O., KALLIAD AMSOM, IRITTY TALUK
KANNUR DISTRICT.
5. V.V. SHIHABUDHEEN
S/O.UMMER, AGED 19 YEARS
VAYALAM VALAPPIL HOUSE, BLATHUR
KALLIAD P.O., KALLIAD AMSOM, IRITTY TALUK
KANNUR DISTRICT.

BY ADVS.SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI
SRI.J.ABHILASH

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
THROUGH S.H.O., IRIKKUR POLICE STATION
KANNUR DISTRICT.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No. 8768 of 2014

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Dated this the 9th day of January, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 5 in Crime No.686/2014 of Irikkur Police Station, Kannur, registered for the offences punishable under Sections 143, 147, 148, 452, 323, 324, 427 & 308 read with Section 149 IPC.

3. The allegation against the petitioners is that on 13.11.2014 at about 10 p.m., they formed themselves into an unlawful assembly, committed rioting, and rioting armed with deadly weapons and trespassed into the house of the de facto complainant and the 1st accused repeatedly inflicted blows on the head of the de facto complainant with the iron rod. The allegation against other petitioners is that they have slapped and stamped the de facto complainant and his mother.

4. Heard the learned counsel for the petitioners and the

learned Public Prosecutor.

5. It seems that the main overt act alleged against the 1st accused is that he had allegedly beat the de facto complainant with an iron rod. The wound certificates do not show necessary ingredients to bring out an offence under Section 308 IPC in the matter. The weapon allegedly used by the 1st accused has been recovered. Considering the facts and circumstances of this case and the present stage of the prosecution, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them 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:-

(i) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays, commencing from 16.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) 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.

B.A. No. 8768 of 2014

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Sd/-
B.KEMAL PASHA, JUDGE

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PA to Judge