

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 9TH DAY OF JANUARY 2014/19TH POUSHA, 1935

Bail Appl..No. 8952 of 2014 ()

CRIME NO. 590/2014 OF BEDAKOM POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED NOS 1 TO 6 & 8 TO 13:

1. MADHAVAN @ MAJEED MADHAVAN AGED 40 YEARS
S/O. THAMBAN, PADUPPU, SANKARAMPADI P.O.
KASARAGOD DISTRICT.

2. MADHU MALIYEKKAL AGED 42 YEARS
S/O. KELU MANIYANI, KULIYANGALLU, SANKARAMPADI P.O.
KASARAGOD DISTRICT.

3. SHAJU VARGHESE AGED 41 YEARS
S/O. VARGHESE, PULUVINCHI, KUTTIKOLE P.O.
KASARAGOD DISTRICT.

4. HANEEFA AGED 38 YEARS
S/O. ABBAS, NHERU, KUTTIKOLE P.O.
KASARAGOD DISTRICT.

5. NIVED AGED 40 YEARS
S/O. NARAYANAN, KUTTIKOLE, KUTTIKOLE P.O.
KASARAGOD DISTRICT.

6. HYDER AGED 38 YEARS
S/O. MUHAMMED, KARIVEDAKAM, KARIVEDAKAM P.O.
KASARAGOD DISTRICT.

7. SUSUPALAN AGED 40 YEARS
S/O. NARAYANAN, NHERU, KUTTIKOLE P.O.
KASARAGOD DISTRICT.

8. MURALI T.K AGED 36 YEARS
S/O. KANNAN, NHERU, KUTTIKOLE P.O.
KASARAGOD DISTRICT.

9. ABOOBACKER AGED 44 YEARS
S/O. ANTHUMAN, KUTTIKOLE, KUTTIKOLE P.O.
KASARAGOD DISTRICT.

10. GOPINATHAN AGED 40 YEARS
S/O. KUNHAMBU NAIR, VELLALA, KUTTIKOLE P.O.
KASARAGOD DISTRICT.

11. MANOJ T.K AGED 44 YEARS
S/O. APPU, KALAKKARA, KUTTIKOLE P.O.
KASARAGOD DISTRICT.

12. AMBU AGED 46 YEARS
S/O. KOMAN MANIYANI, KUTTIKOLE, KUTTIKOLE P.O.
KASARAGOD DISTRICT.

BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR

RESPONDENT(S)/COMPLAINANT & STATE:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. THE STATION HOUSE OFFICER
(CRIME NO. 591 OF 2014 BEDAKAM POLICE STATION)
KASARAGOD DISTRICT - 671 121.

R BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
09-01-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

.....
B.A. No.8952 of 2014
.....

Dated this the 9th day of December, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are some of the accused in Crime No.590/2014 of the Bedakam Police Station, Kasaragod registered for the offences punishable under Sections 143, 147, 148, 324 and 308 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that on 03.12.2014 at 8.45 a.m., the petitioners, along with the other accused numbering around 30 persons, have formed themselves into an unlawful assembly armed with deadly weapons like stone, iron rod etc. and attacked the defacto complainant and three other

persons who belong to the rival political party. It is alleged that they were pelted with stones and were beaten up with iron rods. The 1st petitioner, who is A1 has already been placed under arrest and subsequently enlarged on bail.

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

5. The learned Public Prosecutor has pointed out that the 4th petitioner, 8th petitioner and 9th petitioner have been deleted from the array of the accused and they are not accused at present. It seems that the investigation is practically over. The custodial interrogation of the petitioners is not required for the continued investigation of the case, as there is nothing to recover from the part of the accused. Considering the facts and circumstances of this case and the present stage of investigation, this Court is of the view that this is a fit case wherein anticipatory bail can be granted to petitioners 2, 3, 5, 6, 7, 10, 11 and 12.

6. In the result, this bail application is partly allowed

and the investigating officer or such other police officer, who is conducting the arrest of petitioners 2, 3, 5, 6, 7, 10, 11 and 12, is directed to enlarge the above petitioners on bail in the event of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) each 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) Petitioners 2, 3, 5, 6, 7, 10, 11 and 12 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) Petitioners 2, 3, 5, 6, 7, 10, 11 and 12 shall not tamper with the evidence or influence witnesses.

(iii) Petitioners 2, 3, 5, 6, 7, 10, 11 and 12 shall make themselves available for interrogation as and when required by the investigating officer.

(iv) Petitioners 2, 3, 5, 6, 7, 10, 11 and 12

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.

This Bail Application, as far the petitioners other than petitioners 2, 3, 5, 6, 7, 10, 11 and 12 are concerned, is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge