

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.M.BABU

FRIDAY, THE 30TH DAY OF DECEMBER 2016/9TH POUSHA, 1938

Bail Appl..No. 8848 of 2016 ()

CRIME NO. 1193/2011 OF KASARGOD POLICE STATION, KASARGOD

PETITIONERS/ACCUSED 3 AND 5:

1. SHAKEEL T.R,
AGED 30 YEARS, S/O IBRAHIM, HOUSE NO 1/1409,
IZZATH NAGAR, P.O HIDAYATH NAGAR, KASARGOD DISTRICT.
2. P.B. AHAMMED,
THANSHEER VILLA, ALAMPADI, KASARGOD 671 123.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031.
(REPRESENTING STATION HOUSE OFFICER,
KASARGOD POLICE STATION, KASARGOD DISTRICT)

BY PUBLIC PROSECUTOR SRI. C.S. HRITHWIK

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30-12-2016, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

JJJ

A.M. BABU, J.

B.A No. 8848 of 2016 (A)

Dated: 30th December, 2016

ORDER

Petitioners are accused 3 and 5 in crime no.1193/2011 of the Kasargod police station. There are altogether seven accused persons. They are alleged to have committed offences punishable under sections 143, 147, 148, 342, 365 and 392 of the IPC r/w IPC 149. The petitioners seek bail apprehending his arrest.

2. The prosecution case is that the accused persons formed themselves into an unlawful assembly at about 7.00 p.m on 20.12.2011, committed rioting arming themselves with deadly weapons, abducted the de facto complainant and robbed a mobile phone from him.

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

4. I am shown the case diary. Perused it. The only person named in the F.I statement is the first accused. The petitioners were implicated two years after the alleged incident. The wound certificate does not suggest sustainment of any visible wound by the de facto complainant. What is alleged is that the accused robbed a mobile phone and Rs.1,000/-. Having gone through the papers in the case diary and having heard both sides, I do not consider this to be a case where detention of the petitioners is necessary for an effective investigation of the case. I find that the request for anticipatory bail is only to be granted.

In the result, the application is allowed. The petitioners, if arrested in connection with crime no.1193/2011 of the Kasaragod police station, shall be released on bail on their executing bonds for Rs.30,000/- (thirty thousand only) each with two solvent

sureties for the like sum each to the satisfaction of the investigating officer. The petitioners shall co-operate with the investigation. They shall make themselves available for interrogation as and when required by the investigating officer for a period of three months or till the filing of the final report, whichever is earlier. The petitioners shall not intimidate witnesses or try to influence them. Nor shall the petitioners destroy evidence or tamper with it. The learned Magistrate who has jurisdiction to try the case is hereby empowered to cancel the bail in the event of breach of any of the conditions mentioned above.

Sd/-
A.M. BABU, JUDGE

jjj 30/12/16

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P.A. to Judge