

Shafeeque Vs. State of Kerala

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Court : Kerala

Decided On : Oct-31-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Shafeeque

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 31ST DAY OF OCTOBER 2013 9TH KARTHIKA, 1935 Bail Appl..No. 7229 of 2013 ()
----- CRIME NO. 1114/2013 OF TALIPARAMBA POLICE STATION, KANNUR DISTRICT PETITIONERS/ACCUSED NO. 1 & 7:
----- 1. SHAFEEQUE, AGED 27 YEARS S/O. MAMMAD, PUTHIYARAMBATH HOUSE, ARIYIL.P.O. PATTUVAM AMSOM, TALIPARAMBA TALUK, KANNUR DISTRICT.

2. UNAIS.K.K. AGED 21 YEARS S/O. SIDDIQUE, AYISHA MANZIL, ARIYIL.P.O. PATTUVAM AMSOM, TALIPARAMBA TALUK, KANNUR DISTRICT. BY ADVS.SRI.V.A.SATHEESH SRI.V.T.MADHAVANUNNI
RESPONDENT/COMPLAINANT: ----- STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA THROUGH S.H.O. TALIPARAMBA POLICE STATION KANNUR DISTRICT. BY PUBLIC PROSECUTOR SMT.LELIZA THIS BAIL APPLICATION HAVING COME

UP FOR ADMISSION ON 31.10.2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: MNS THOMAS P. JOSEPH, J.

===== Bail Application No. 7229 of 2013
===== Dated this the 31st day of October, 2013

ORDER

Petitioners are accused 1 and 7, in Crime No. 1114 of 2013 of the Taliparamba police station for the offences punishable under Secs. 143, 147, 448, 427 and 153A r/w. Sec. 34 of the Penal Code on the allegation that on 24.09.2013 at about 02:30 a.m., the petitioners and others formed unlawful assembly, trespassed into the office of a political party committed mischief and to cause communal disharmony, painted that party office with green, are in custody from 25.09.2013 and seek bail.

2. Learned counsel submits that the request for bail was rejected by this court as per order dated 11.10.2013 in B.A. No. 6800 of 2013. It is submitted that since petitioners are in custody since long, they may be released on bail subject to any condition that may be imposed. B.A. No. 7229 of 2013 2 3. Learned Public Prosecutor while opposing the application has submitted that the first petitioner/first accused is involved in 11 other crimes and is included in the rowdy list. So far as the second petitioner/7th accused is concerned, he is not reported to be involved in any other offence.

4. Having regard to the long detention as well, I am inclined to grant bail to the second petitioner subject to stringent conditions. So far as first petitioner is concerned, request for bail cannot be allowed considering his antecedents as well. Resultantly, this application is allowed in part as under:

1. Request for bail for the first petitioner/first accused is rejected, leaving it open him to move fresh application at a later stage of the investigation either before the Sessions court concerned or in this court. 2) The second petitioner/7th accused is granted bail in Crime No. 1114 of 2013 of the Taliparamba police B.A. No. 7229 of 2013 3 station and will be released, if not required to be detained otherwise on his

executing bond for Rs. 25,000/- (Rupees Twenty five thousand only) with two sureties for the like sum each to the satisfaction of the jurisdictional Magistrate and subject to the following conditions: a) The bail bond shall be executed within three weeks from this day. b) One of the sureties shall be a close relatives of the 2nd petitioner. c) The 2nd petitioner shall report to the Investigating Officer on every Saturday between 09:00 a.m. and 12:00 p.m. until filing of the final report. d) The 2nd petitioner shall report to the investigating officer as and when required for interrogation. e) The 2nd petitioner shall not, during the period of this bail get involved in any other offence. f) It is made clear that in case any of the above B.A No.7229 of 2013 4 condition is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate as held in P.K. Shaji V. State of Kerala (AIR2006 Supreme Court 100). Sd/- THOMAS P.JOSEPH, JUDGE //true copy// P.A. to Judge Smv

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