

Saheer K.A. Vs. State

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Court : Kerala

Decided On : Oct-29-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Saheer K.A.

Respondent : State

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE 29TH DAY OF OCTOBER 2013 7TH KARTHIKA, 1935 Bail Appl..No. 7006 of 2013 ()
----- CRIME NO.524 /2013 OF ALAKKODE POLICE STATION. PETITIONER/ACCUSED 2 TO 6 & 8 TO 12
----- 1. SAHEER K.A. AGED 30 YEARS S/O. ABDURAHIMAN, KATTEERAKATH HOUSE KUTTAPARAMBA P.O., NEDUVODE, ALAKKODE AMSOM DESOM TALIPARAMBA TALUK, KANNUR DISTRICT.

2. HARIS P.M., AGED 24 YEARS S/O. MUHAMMED, PARAPPURATH HOUSE, KUTTAPARAMBA P.O. NEDUVODE, ALAKKODE AMSOM DESOM, TALIPARAMBA TALUK KANNUR DISTRICT.

3. SATHAR K.A. ,AGED 27 YEARS S/O. ALI, KATTEERAKATH HOUSE, KUTTAPARAMBA P.O. NEDUVODE, ALAKKODE AMSOM DESOM,

TALIPARAMBA TALUK KANNUR DISTRICT.

4. NASAR, AGED25YEARS S/O. ABOOBACKER, POOMANGALORAKATH HOUSE KUTTAPARAMBA P.O., NEDUVODE, ALAKKODE AMSOM DESOM TALIPARAMBA TALUK, KANNUR DISTRICT.

5. P.M.SAKKEER , AGED26YEARS S/O. MUSTHAFA, KALEERAKATH HOUSE, KUTTAPARAMBA P.O. NEDUVODE, ALAKKODE AMSOM DESOM, TALIPARAMBA TALUK KANNUR DISTRICT.

6. HANEEFA P.K., AGED30YEARS S/O. UMMER, POOMANGALORAKATH HOUSE, KUTTAPARAMBA P.O. NEDUVODE, ALAKKODE AMSOM DESOM, TALIPARAMBA TALUK KANNUR DISTRICT. tss Bail Appl.No. 7006 of 2013 7. RAHEES V.A. AGED23YEARS S/O. ALI, KATTEERAKATH HOUSE, KUTTAPARAMBA P.O. NEDUVODE, ALAKKODE AMSOM DESOM, TALIPARAMBA TALUK KANNUR DISTRICT.

8. SAMMER K.H. AGED27YEARS S/O. HASSAN, KALLADATH HOUSE, KUTTAPARAMBA P.O. NEDUVODE, ALAKKODE AMSOM DESOM, TALIPARAMBA TALUK KANNUR DISTRICT.

9. RASHEED B.A. AGED32YEARS S/O. ASSAINAR, BATHALEERAKATH HOUSE, KUTTAPARAMBA P.O. NEDUVODE, ALAKKODE AMSOM DESOM, TALIPARAMBA TALUK KANNUR DISTRICT. 10.YUNUS P.M. AGED30YEARS POOMANGALORAKATH HOUSE, KUTTAPARAMBA P.O., NEDUVODE ALAKKODE AMSOM DESOM, TALIPARAMBA TALUK KANNUR DISTRICT. BY ADV. SRI.B.PREMNATH (E) RESPONDENT/COMPLAINANT:

----- STATE REPRESENTED BY THE STATION HOUSE OFFICER ALAKKODE POLICE STATION, KANNUR DISTRICT (REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM). BY PUBLIC PROSECUTOR SRI.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2910-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: tss THOMAS P. JOSEPH, J.

----- Dated this the 29th day of October 2013

ORDER

Petitioners are accused 2 to 6 and 8 to 12, in Crime No.524 of 2013 of the Alakkode Police station for the offences punishable under Secs.143, 147, 148, 308, 323, 324 and 341 read with Sec.149 of the Indian Penal Code. The allegation is that on 24.09.2013 at about 7.45 p.m., the petitioners and others attacked the defacto complainant and others with iron rod.

2. Learned Public Prosecutor submitted that the 1st petitioner/2nd accused is said to have used the iron rod. The iron rod is recovered. It is also submitted that the 4 persons sustained injuries.

3. Learned counsel submits that the allegations are not correct and that injuries suffered if any, are only minor in nature.

4. Since the iron rod is stated to be recovered, I am inclined to think that custodial interrogation of the petitioner is not required. Resultantly, this application is allowed as under.

1. Petitioners shall surrender before the officer investigating Crime No.524 of 2013 of the Bail Appl. No.7006 of 2013 2 Alakkode Police Station on 04.11.2013 at 10.00 am for interrogation.

2. In case interrogation of the petitioners is not completed that day, it is open to the investigating officer to direct presence of the petitioners on any other day/dates and time which the petitioner shall comply.

3. In case arrest of the petitioners is recorded, they shall be produced before the jurisdictional magistrate the same day.

4. On such production, the learned magistrate shall release the petitioner on bail on their executing bond for Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions: a) Petitioners shall report to the

officer investigating Crime No.524 of 2013 of the Alakkode Police station on every Saturday between 10.00 am and 12.00 pm for a period of two months or until filing of the final report, Bail Appl. No.7006 of 2013 3 whichever is earlier. c) Petitioners shall report to the investigating officer as and when required for interrogation. d) Petitioners shall not get involved any offence during the period of this bail. e) Petitioner shall not influence or intimidate the witnesses. f) In case any of the above condition is violated, it is open to the investigating officer to file application before the learned magistrate (until committal of the case if any and thereafter before learned Principal Sessions Judge concerned) for cancellation of the bail granted hereby, as held in P.K. Shaji V. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH JUDGE NS

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