

Afsal @ Monu Vs. State of Kerala

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Court : Kerala

Decided On : Feb-21-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Afsal @ Monu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN FRIDAY, THE 21ST DAY OF FEBRUARY 2014 2ND PHALGUNA, 1935 Bail Appl..No. 1091 of 2014 () ----- CRMC1162014 of SESSIONS COURT, MANJERI CRIME NO.94/2014 OF PERINTHALMANNA POLICE STATION, MALAPPURAM ----- PETITIONERS/ACCUSED :- ----- 1. AFSAL @ MONU, AGED 26 YEARS, SON OF HAMZA, THONIKKADAVAN HOUSE, ALIPPARAMBA PO 2 MUSTHAF A, AGED 27 YEARS, SON OF HAMZA THONIKKADAVAN MUTTATHIL HOUSE, ALIPPARAMBA PO.

3. NASAR @ PALLA NASAR, AGED 29 YEARS, SON OF VEERAN, THONIKKADAVAN HOUSE, ALIPPARAMBA PO.

4. ABDULLA, AGED 25 YEARS, SON OF HAMZA THONIKKADAVAN HOUSE, ALIPPARAMBA PO.

5. NASAR @ SASI, AGED28YEARS, SON OF MOIDEENKUTTY, THONIKKADAVAN HOUSE ALIPPARAMBA PO.

6. NOUFAL @ THANKAPPAN, AGED30YEARS, SON OF MOHAMMEDKUTTY, KOTTAKKAL HOUSE, ALIPPARAMBA PO.

7. SHOUKATH, AGED25YEARS, SON OF HAMZA THONIKKADAVAN HOUSE, ALIPPARAMBA PO.

8. RISHAD, AGED28YEARS, SON OF ABOOBACKER THONIKKADAVAN HOUSE, ALIPPARAMBA PO.

9. NISHAD @ ANAKKARAN, AGED29YEARS, SON OF HYDRU THENEMOOCHI HOUSE, ALIPPARAMBA PO.

10. ABOOBACKER @ KURUMBAMUTHU. AGED30YEARS, SON OF MUHAMMEDKUTTY THONIKKADAVAN KUNNATH HOUSE, ALIPPARAMBA PO.

11. JAFER, AGED29YEARS, SON OF HAMZA KOTTAKKAL HOUSE, ALIPPARAMBA PO
12. ABDU RAHIMAN @ IMMINI, AGED28YEARS, SON OF MOIDEEN, KUDUNGAYIL HOUSE, ALIPPARAMBA PO
Bail Appl..No. 1091 of 2014
13. SULAIMAN, AGED27YEARS, SON OF KUNHIBAVA KOTTAKKAL HOUSE, ALIPPARAMBA PO.
BY ADV. SRI.SOJAN MICHEAL
RESPONDENT/COMPLAINANT :- ----- STATE OF KERALA (STATION HOUSE OFFICER PERINTHALMANNA) REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-02-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: jvt N.K.BALAKRISHNAN, J.

----- B.A. No.1091 of 2014 ----- Dated this the 21st day of February 2014

ORDER

The application by the 2nd petitioner stands dismissed since it is submitted that, he has already been arrested by the police.

2. The application of A1 and A3 to A13 is considered in this application. The offences alleged against them are punishable under Secs.143, 147, 148, 323, 354, 452 and 427 r/w 149 IPC.

3. It is alleged that on 14.1.2014 at about Noon, all the accused persons formed themselves into an unlawful assembly with deadly weapons, trespassed into the residential house of the complainant, attacked and outraged her modesty and have committed criminal mischief by destroying the window panes, glasses and also the two wheeler which was kept in the courtyard of the house.

4. Learned counsel for the petitioners submits that B.A. No.1091 of 2014 -:

2. :- at about 11.45 AM on that day, when the brother of the first accused and his wife were returning from the hospital, the husband of the de facto complainant and their three sons had attacked them and it is only as a counter blast this case has been foisted.

5. Learned Public Prosecutor strongly opposed the petition pointing out the mischief committed by the accused persons after trespassing into the residential house. Learned Sessions Judge has rightly dismissed the petition taking note of the seriousness of the allegations.

6. However, considering all the aspects the following directions are issued: The petitioners shall surrender before the Investigating Officer within seven days from today. After interrogation the accused shall be produced before the learned Magistrate. When applied for bail by the accused, the learned Magistrate will grant bail to the petitioners but on the following conditions: a. The accused shall execute a bond for 20,000/- B.A. No.1091 of 2014 -:

3. :- (Rupees Twenty Thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate. If in case the Magistrate has any doubt about the genuineness or correctness of the tax receipts produced by the sureties, the learned Magistrate can insist for production of the attested photo

copies of the original title deeds of the sureties. b. The accused shall make themselves available for interrogation by the Investigating Officer and should appear before the Investigating Officer on all Mondays and Fridays between 9.30 AM to 11.30 AM until further orders. c. The accused shall produce their original passports before the learned jurisdictional Magistrate. If they are not having any valid passport, they should file an affidavit regarding the same before the Magistrate. d. The accused will also file affidavit that they will abide by all the conditions as mentioned above and that they will not commit any offence similar to the offence involved in this case and will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from B.A. No.1091 of 2014 -:

4. :- disclosing such facts to the court or to any police officer or tamper with the evidence. e. The accused shall not leave the State of Kerala without permission of the court. f. The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc. g. In addition to all the above conditions, the petitioners shall deposit a sum of 2,000/- (Rupees Two Thousand only) each before the learned Magistrate. Sd/- N.K.BALAKRISHNAN, JUDGE. //True Copy// P.A. To Judge Jvt

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