

**Abid Vs. State of Kerala**

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**Court :** Kerala

**Decided On :** Mar-13-2014

**Judge :** Honourable Mr.Justice Thomas P.Joseph

**Appellant :** Abid

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 13<sup>H</sup> DAY OF MARCH 2014 22<sup>ND</sup> PHALGUNA, 1935 Bail Appl..No. 1759 of 2014 ( ) ----- CRIME NO. 139/2014 OF TANUR POLICE STATION , MALAPPURAM PETITIONERS/ACCUSED NOS.1 AND 2 -----  
1. ABID AGED 36 YEARS S/O.IMBICHIMON, PANACHINTEPURACKAL HOUSE, TANUR POST MALAPPURAM DISTRICT.

2. SADIQUE AGED 26 YEARS S/O.KUNHIMON, MOOSANTEPURACKAL HOUSE, TANUR POST AAL BAZAR, KORMANKADAPPURAM, MALAPPURAM DISTRICT. BY ADVS.SRI.K.P.SUDHEER SRI.ARUN MATHEW VADAKKAN  
RESPONDENT/COMPLAINANT: ----- STATE OF KERALA REPRESENTED BY SUB INSPECTOR OF POLICE TANUR POLICE STATION, MALAPPURAM DISTRICT PIN - 676 302 REPRESENTING THROUGH PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM BY PUBLIC PROSECUTOR: ADV LALIZA THIS BAIL APPLICATION HAVING COME UP

FOR ADMISSION ON 13-03-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P. JOSEPH, J.

===== B.A.No.1759 of 2014  
===== Dated this the 13th day of March, 2014

## ORDER

Petitioners are accused Nos.1 and 2 in Crime No.139 of 2014 of the Tanur Police Station for the offences punishable under Secs.341, 324 and 308 r/w Sec.34 of the Indian Penal Code, apprehend arrest and have filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 17.01.2014 at about 6p.m due to political rivalry, the petitioners and the third accused attacked the de facto complainant with iron rod and bamboo stick and inflicted injury. The weapons are recovered.

3. Learned counsel submits that the de facto complainant parked his motor cycle in front of a theatre and that caused traffic block, there was a dispute between the de facto complainant and some of the drivers in the course of which the de facto complainant may have sustained injury.

4. Since the weapons are recovered and the petitioners are not reported to be involved in any other case, I am inclined to think that custodial interrogation of the petitioners is not required. At the same time the interest of the de facto complainant who sustained B.A.No.1759 of 2014 2 injury has to be protected. Resultantly this application is disposed of as under: (i) Petitioners shall surrender before the officer investigating Crime No.139 of 2014 of the Tanur Police Station on 20.03.2014 at 10 a.m for interrogation. (ii) In case interrogation is not completed that day, it is open to the officer concerned to direct presence of the petitioners on other day/days and time as may be specified by him which the petitioners shall comply. (iii) Petitioners shall co-operate with the investigation of the case. (iv) In case arrest of the petitioners is recorded, they shall be produced before the jurisdictional magistrate the same day. (v) On such production the petitioners shall be released on bail (if not required to be detained otherwise) on

their executing bond for `20,000/- (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) One of the sureties shall be a close relative of any of the petitioners. (b) Petitioners shall deposit `5,000/- (Rupees Five Thousand Only) each in a nationalised bank in their names for a period of two years B.A.No.1759 of 2014 3 (renewable as per the order of the learned magistrate) and produce the Fixed Deposit receipt before the learned magistrate while executing the bail bond. (c) In case the petitioners are made liable to pay compensation, such compensation to the extent possible could be realised from the amount in deposit. (d) Petitioners shall report to the officer investigating Crime No.139 of 2014 of the Tanur Police Station on all Saturday between 10a.m and 12p.m for a period of two months or till final report is filed, whichever is earlier. (e) Petitioners shall report to the Investigating Officer as and when required for interrogation. (f) Petitioners shall not get involved in any offence during the period of this bail. (g) Petitioners shall not intimidate or influence the witnesses. (h) In case the petitioners violate any of condition Nos.(d) to (g), it is open to the investigating officer to move the learned magistrate (until committal if any, and thereafter before the learned Principal Sessions Judge concerned) for cancellation of B.A.No.1759 of 2014 4 the bail as held in P.K Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P.JOSEPH, JUDGE. Sbna True Copy P A to Judge

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