

Ummer Vs. State of Kerala

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Court : Kerala

Decided On : Oct-24-2014

Judge : Honourable Mr. Justice B.Kemal Pasha

Appellant : Ummer

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE B.KEMAL PASHA FRIDAY, THE 24TH DAY OF OCTOBER 2014 2ND KARTHIKA, 1936 Bail Appl..No. 7118 of 2014 () ----- CRIME NO. 540/2014 OF MANJERI POLICE STATION, MALAPPURAM DISTRICT ----- PETITIONERS/ACCUSED 2 TO 4 ----- 1. UMMER, AGED 42 YEARS, S/O LATE. ALAVIKUTTY, KOOLİYODAN HOUSE, VELLARANGADI, VAYAPPARAPADI, MANJERI, ERANAD TALUK, MALAPPURAM DISTRICT.

2. A.YASHIK, AGED 23 YEARS, S/O ISMAYIL, AYANIKUDIYAN, VELLARANGAL, VAYAPPARAPPADI, MANJERI, MALAPPURAM DISTRICT.

3. ANEES, AGED 28 YEARS, S/O LATE ABDURAHIMAN, KORMATH HOUSE, VELLARANGADI, VAYAPPARAPPADI, MANJERI, ERNAD TALUK, MALAPPURAM DISTRICT. BY ADVS.SRI.SAJEEV KUMAR K.GOPAL SRI.R.HARISHANKAR RESPONDENTS/STATE/COMPLAINANT:

----- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.

2. THE SUB INSPECTOR OF POLICE, MANJERI POLICE STATION, MANJERI,
MALAPPURAM DISTRICT, PIN - 676 121. BY PUBLIC PROSECUTOR
SRI.V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 24-10-2014, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: sts B.KEMAL PASHA, J.

----- B.A.No.7118 of 2014 -----
Dated this the 24th day of October, 2014

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.2 to 4 in Crime No.540 of 2014 of the Manjeri Police Station pending investigation for the offences punishable under Sections 341, 323, 324 and 364, r/w Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that they along with first accused in furtherance of their common intention attacked the de facto complainant after wrongfully restraining him and beat him with iron rod and wooden sticks on 28.04.2014 at about 02.00 p.m. and caused the fracture of a metacarpal bone of his hand.

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

5. I have perused the C.D. The contents of the C.D reveal that the investigation of the case is practically over. It has come out that the first accused has been arrested, B.A.No.7118 of 2014 2 detained and subsequently enlarged on bail. The recovery of the weapons allegedly used, has also been effected. No criminal antecedents have been reported against the petitioners. No specific overt acts are alleged against the petitioners. Considering all the above and the present stage of investigation, I am of the view that this is a fit case in which anticipatory bail can be granted to the petitioners. In the result, this bail application is allowed and the

investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:- (i) The petitioners shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Friday and Monday commencing from 01.11.2014 for a period of three months or till the filing of the final report in this case, whichever is earlier. (ii) The petitioners shall not tamper with the evidence or influence witnesses. B.A.No.7118 of 2014 3 (iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer. (iv) The petitioners shall not involve in any offence while on bail. It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail. Sd/- B.KEMAL PASHA, JUDGE. AS /True copy/ P.A. to Judge

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