

Subair vs State of Kerala

Subair vs State of Kerala

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Court : Kerala Orders

Decided On : Feb-23-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./1579/2021

Appellant : Subair

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
TUESDAY, THE 23RD DAY OF FEBRUARY 2021 / 4TH PHALGUNA,
1942 Bail Appl.No.1579 OF 2021 CRIME NO.26/2021 OF Nattukal
Police Station , Palakkad PETITIONER/S: SUBAIR AGED 42 YEARS
ERAATTSPIRACKAL HOUSE, KATTUKULAM, ALANALLUR POST,
MANNARKAD TALUK, PALAKKAD DISTRICT - 678601. BY ADV.
SRI.LAL K.JOSEPH RESPONDENT/S: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM - 682031. R1 BY SRI.SANTHOSH PETER SR
PP OTHER PRESENT: THIS BAIL APPLICATION HAVING COME UP
FOR ADMISSION ON 23.02.2021, ALONG WITH Bail Appl.1848/2021,

THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
TUESDAY, THE 23RD DAY OF FEBRUARY 2021 / 4TH PHALGUNA,
1942 Bail Appl.No.1848 OF 2021 CRIME NO.26/2021 OF Nattukal
Police Station , Palakkad PETITIONER/S: 1 FAISAL .N AGED 41
YEARS, NALINAKATH HOUSE, KATTUKULAM, MANARACAD,
ALANALLUR POST PALAKAD DISTRICT - 678601. 2 MOHAMMED
NAWFAL N., AGED 40 YEARS, NALINAKATH HOUSE, KATTUKULAM,
MANARACAD ALANALLUR POST - 678601. 3 SHAMEER ALI P.T.,
AGED 40 YEARS, PATTANITHODI HOUSE, ALANALLUR, ALANALLUR
POST PALAKKAD DISTRICT - 678601. BY ADV. SRI.LAL K.JOSEPH
RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682031. 2
THE SUB INSPECTOR OF POLICE NATTUKAL POLICE STATION,
PALAKKAD - 678601. R1 BY SRI.SANTHOSH PETER SR PP THIS
BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
23.02.2021, ALONG WITH Bail Appl.1579/2021, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

COMMON ORDER

[Bail Appl..1579/2021, Bail Appl..1848/2021] Dated this the 23rd day of February
2021 Applications for anticipatory bail under Section 438 of the Cr.P.C.

2. The applicant in B.A.No.1579/2021 is the 1st accused and the applicants in
B.A.No.1848/2021 are accused 2 to 4 in Crime No.26/2021 of Nattukal Police
Station for having allegedly committed the offences punishable under Section 332
read with Section 34 of the I.P.C.

3. The prosecution case, in brief, is that on

02.02.2021 at around 10.25 AM, about ten persons, who were engaged in a
scuffle between two groups in front of Alanallur Vyaparabhavan and it is admitted

they had some disputes among themselves and civil suits also are

pending and when the police party came under the leadership of S.I. of police to disperse the scuffling persons, including the applicants, the applicants allegedly assaulted the de facto complainant, S.I. of Police and voluntarily caused hurt to him with the intention to prevent and deter him and others from discharging their duty as public servants and thus the applicants committed the offence in furtherance of common intention.

4. The applicants state that the allegations are not true and totally unbelievable. It is also stated that records indicate that there was scuffle between

two groups. Even if the prosecution case is to be believed, it is intriguing that the applicants alone were pinpointed as assailants with no member of the rival groups being arraigned as accused in this crime. Under the circumstances it is submitted that the applicants are entitled to pre-arrest arrest, they do not have any criminal antecedents and they are willing to cooperate with the investigation.

5. Heard the learned Counsel for the applicants and the learned Public Prosecutor.

6. The learned Public Prosecutor points out that it

was the 1st accused, who allegedly used a stick to assault the de facto complainant and other accused also had assaulted the de facto complainant with hands and kicked him. The de facto complainant had sustained aberrations and contusions on his back because of the beaten up. The applicants state that the 1st accused had allegedly sustained some injuries for which he had been treated in a hospital and the prosecution version is that those injuries were caused due to the scuffle between the two groups and it is not due to any interference by the police.

7. The police officers are called to maintain law and order and in case they are deterred from doing so it cannot be taken slightly and has to be dealt with

seriously. Under the above circumstances,

surrender before the investigating officer within two weeks. In the event of their being arrested, after interrogation and recovery, if any, they shall be produced

before the jurisdictional court, where they are at liberty to apply for regular bail which shall be considered and disposed of preferably on the very same day. Sd/-
dkr ASHOK MENON JUDGE

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