

Ijas, vs State of Kerala,

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Court : Kerala

Decided On : May-31-2019

Judge : Honourable Mr. Justice B.Sudheendra Kumar

Appeal No. : Bail Appl./2784/2019

Appellant : IJAS,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR FRIDAY, THE 31ST DAY OF MAY 2019 / 10TH JYAISHTA, 1941 AGAINST THE ORDER/JUDGMENT IN CRMP 1826/2019 of DISTRICT & SESSIONS COURT, ALAPPUZHA CRIME NO. 428/2019 OF Kayamkulam Police Station , Alappuzha PETITIONER/S/ACCUSED PERSONS:

1 IJAS, AGED 21 YEARS S/O.RASHEED, PULIMOOTTIL THEKKETHIL, NEAR FIRE STATION, KAYAMKULAM, ALAPPUZHA-690508. 2 AJAS, AGED 19 YEARS S/O.RASHEED, PULIMOOTTIL THEKKETHIL, NEAR FIRE STATION, KAYAMKULAM, ALAPPUZHA-690508. 3 ABDUL SHUKKOOR @ KOCHUMON, AGED 30 YEARS

S/O.HASSAN KUNJU, VELLALI VADAKKATHIL, NEAR FIRE STATION, KAYAMKULAM, ALAPPUZHA, KERALA, INDIA, -688011. 4 ANSHAD, AGED 29 YEARS S/O.NASSAR, VELLALI VADAKKATHIL, KANNAMPILLY BHAGOM, KEERIKKAD VILLAGE, KAYAMKULAM, ALAPPUZHA, KERALA, -690508. 5 THAJUDHEEN, AGED 33 YEARS S/O.BASHEER, THARAMEL PUTHANVEEDU, KANNAMPILLY BHAGOM, KEERIKKAD VILLAGE, KAYAMKULAM P.O., ALAPPUZHA, KERALA, -690106. BY ADVS. SRI.OMAR SALIM KUM. K. REMIYA RAMACHANDRAN SMT.SNEHA MANAMOHAN SRI.ABDULLA ZIYAD
RESPONDENT/S/STATE: 1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM DISTRICT, KERALA, 682031. 2 SUB INSPECTOR OF POLICE, KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT, KERALA, 688524. SRI.C.S.HRITHWIK,PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.05.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioners are the accused in Crime No.428 of 2019 of Kayamkulam Police Station, registered for the offences punishable under Sections 143, 147, 148, 452, 324 and 326 read with Section 149 IPC.

2. The petitioners have filed this application under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has submitted

that the petitioners are not involved in any other offence of similar nature. It appears that one of the injured persons sustained fracture on the middle right finger in the incident. Others did not sustain any grievous injury in the incident. It appears that there was an earlier

dispute between the same parties. Considering the facts

and circumstances of the case, I am of the view that the custodial interrogation of the petitioners is not necessary in this case. That apart, the petitioners have no criminal antecedent. In the said circumstances, an order under Section 438 Cr.P.C. in favour of the petitioners will be justified. In the result, this application stands allowed and the respondents are directed to release the petitioners on bail in the event of their arrest in the above said crime, on condition of each of the petitioners executing a bond for Rs.35,000/- (Rupees Thirty Five Thousand only) each, with two solvent sureties each, each for the like sum to the satisfaction of the second respondent, before whom the petitioners shall surrender within ten days, if not arrested in the meantime and subject to the following conditions:

(i) The petitioners shall report before the

Investigating Officer on every Wednesday between 9.00 a.m. and 11.00 a.m. for three months and thereafter, as and when required by the Investigating Officer for interrogation.

(ii) The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(iii) The petitioners shall not get involved in any other offence during the pendency of this case. Sd/- B.SUDHEENDRA KUMAR JUDGE RK/31.05.2019

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