

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 29TH DAY OF MARCH 2022 / 8TH CHAITHRA, 1944

BAIL APPL. NO. 2086 OF 2022

CRIME NO.1147/2021 OF WADAKKANCHERRY POLICE STATION,

THRISSUR DISTRICT

PETITIONER/ACCUSED NO.4:

MUSTHAF A
AGED 28 YEARS
S/O UMMER
MANKARA HOUSE
MULLUKARA VILLAGE
THRISSUR, PIN - 680583

BY ADVS.
S.RAJEEV
M.S.ANEER
SARATH K.P.
V.VINAY

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM, PIN - 682031
(CRIME NO.1147/2021 OF WADAKKANCHERRY POLICE
STATION, THRISSUR DISTRICT, 680582)

BY ADV PUBLIC PROSECUTOR

SRI. T.R. RANJITH (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
29.03.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER

This is an application for regular bail.

2. The petitioner is the 4th accused in Crime No.1147 of 2021 of Wadakkancherry Police Station, Thrissur District, alleging commission of offences under Sections 143, 147, 148, 341, 323, 324, 308 r/w Section 34 of the IPC.

3. The allegation against the petitioner is that the petitioner along with six other persons formed an unlawful assembly with a common object to assault the de facto complainant and on 05.06.2021 at 4.30 p.m, they assaulted the de facto complainant with an iron rod.

4. The learned counsel for the petitioner submits that the petitioner is absolutely innocent in the matter. It is submitted that the petitioner is arrayed as the 4th accused and specific overt acts are alleged against accused Nos.1, 2 and 3 and the allegation of using the iron rod is specifically against the 1st accused. It is submitted that, it is clear from the First Information Statement itself that the issue arose on account of

some property dispute. It is submitted that the petitioner has been custody from 03.03.2022 and his continued detention is not necessary for the purpose of any investigation. It is also submitted that the matter has been settled out of court and on that basis some of the other accused have already been granted anticipatory bail by this Court.

5. The learned Public Prosecutor opposes the grant of bail. The circumstances of the case appearing from the record are of pointed out. It is submitted that the de facto complainant suffered serious injuries owing to attack by the petitioner and others. It is submitted that the petitioner is not entitled to be released on bail at this point of time.

6. Having regard to the facts and circumstances of the case and take into account the submission of the learned counsel for the petitioner that all issues with the de facto complainant have been settled out of court, I am of the opinion that the petitioner can be granted bail subject to conditions. They also note that the final report has already been filed in the matter and the continued detention of the petitioner may not be

necessary for the purpose of any investigation.

7. In the result, this bail application is allowed and it is directed that the petitioner shall be released on bail subject to the following conditions:

- (1) The petitioner shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the Jurisdictional Court;
- (2) Petitioner shall report before the investigating officer in Crime No.1147 of 2021 of Wadakkancherry Police Station, Thrissur District, as and when called upon to do so;
- (3) The petitioner shall not attempt to influence or intimidate any witness in Crime No.1147 of 2021 Wadakkancherry Police Station, Thrissur District;
- (4) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime No.1147 of 2021 of Wadakkancherry Police Station, Thrissur District may file an application before the Jurisdictional Court for cancellation of bail.

**Sd/-
GOPINATH P.
JUDGE**

spk