

(2018) 01 KL CK 0087
In the High Court Of Kerala
Case No : 66 of 2018

IJAZ & ORS

APPELLANT

Vs

STATE OF KERALA

RESPONDENT

Date of Decision : 18-01-2018

Acts Referred:

[Indian Penal Code, 1860](#), [Section 147](#),
[Section 324](#), [Section 323](#), [Section 342](#),
[Section 149](#), [Section 332](#)

Citation : (2018) 01 KL CK 0087

Hon'ble Judges : Raja Vijayaraghavan V

Bench : Single Bench

Advocate : MANSOOR.B.H., S.SAJJU

Final Decision : Allowed

Judgement

1. This petition is filed under section 438 of the Code of Criminal Procedure.
2. The petitioners herein are the accused Nos. 1 to 6 in Crime No.1423/2017 of the Mathilakom Police Station, registered alleging offences punishable under Sections 143, 147, 342, 323, 324, 353 and 332 r/w. 149 of the IPC.
3. It appears that the Sub District School Kalolsavam was being held at Perinjanam Kuttilakadavu RMVHSS on 15.12.2017. There arose a dispute between the participants and the judges. This resulted in a melee. The police men who were posted there interfered and tried to pacify the rival groups. The allegation is that the petitioners pushed the police officers and deterred them from discharging their official duties.
4. The learned counsel appearing for the petitioners submitted that the petitioners were merely spectators and the altercation was between the

family members of the participants and the Judges. It is submitted that the petitioners herein were implicated without any reason.

5. I have heard the learned Public prosecutor and have gone through the case diary. It appears that no serious injuries were sustained by any of the police officers.

6. Having regard to the nature and gravity of the allegations, the materials in support thereof, the antecedents of the petitioners and attendant facts and circumstances, the custodial interrogation of the petitioners do not appear to be required. By imposing necessary conditions to safeguard the interest of the prosecution, I am of the view that an order of pre-arrest bail can be granted.

In the result, this petition will stand allowed. However, it shall be subject to the following conditions:

- i). Petitioners shall appear before the investigation officer within ten days from today and shall undergo interrogation. Thereafter, if they are proposed to be arrested, they shall be released on bail on executing a bond for a sum of Rs.30,000/- (Rupees Thirty thousand only) each with two sureties for the like sum each.
- ii). The petitioners shall appear before the Investigating Officer as and when directed.
- iii) They shall not threaten, coerce or intimidate the witnesses.
- iv) They shall not get involved in any other offence.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law.