

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

TUESDAY, THE 02ND DAY OF MARCH 2021 / 11TH PHALGUNA, 1942

Bail Appl..No.1768 OF 2021

CRIME NO.30/2021 OF THE TANUR POLICE STATION , MALAPPURAM

PETITIONER/ACCUSED NO.1:

RINEESH,
AGED 36 YEARS,
S/O OF ANDI,
KOMBATH HOUSE,
THEYYALNAGIL P.O.,
NANNAMBRA,
MALAPPURAM DISTRICT
PIN-676320

BY ADV. SRI.K.RAKESH

RESPONDENTS/STATE & COMPLAINANT:

- 1 THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, KOCHI
PIN-682031
- 2 THE STATION HOUSE OFFICER,
TANUR POLICE STATION,
MALAPPURAM DISTRICT.
PIN-676 302

R1 BY PUBLIC PROSECUTOR

OTHER PRESENT:

SMT.V SREEJA - PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
02.03.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 02nd day of March, 2021

APPLICATION FOR ANTICIPATORY BAIL

The applicant is the 1st accused in Crime No.30 of 2021 of Tanur Police Station, Malappuram, for having allegedly committed offences punishable under Sections 143, 147 and 353 read with Section 149 of the IPC. The prosecution case, in brief, is this:

2. On 16.01.2021, at about 1.15 AM, the Sub Inspector of Police of Tanur Police Station and his Police party, had gone to the premises of the Sri. Kurumba Temple, Thirunilathu, for apprehending persons involved in gambling. The applicant and a mob consisting of about 50 persons deterred them from performing their duty as public servants, shouted at them in obscene language and thus committed the offence. The applicant states that the allegations are not true and that the applicant has no criminal antecedents. He is conducting a business in Bangalore and had come for the Temple festival and that he has not caused any harm to the Police officers or deterred them from performing

their duties. But, because the Police Officers were not uniformed and attempted to apprehend some persons, illegally, the locals of their place about 50 of them had an altercation with the Policemen. And, thus, the crime was registered. The applicant is willing to co-operate with the investigation. And, therefore, seeks pre-arrest bail.

3. Heard the learned counsel appearing for the applicant and the learned Public Prosecutor. The learned Public Prosecutor admits that the applicant has no criminal antecedents. No injury was caused to the Policemen and the crime was allegedly perpetrated by a mob of 50 persons. The applicant is named in the FIR. The complicity of the applicant is established. But, at the same time, I find no necessity for custodial interrogation of the applicant. He is willing to co-operate with the investigation.

4. In the result, the application is allowed and the applicant is directed to surrender before the Investigating Officer within two weeks. In the event of his arrest, after interrogation, and recovery, if any, he shall be released on bail on the execution of a bond for Rs.50,000/-(Rupees Fifty thousand only), with two solvent sureties, each for the like amount to the satisfaction of the Investigating Officer and on following further conditions:

(i) He shall appear before the Investigating Officer as and when called for.

(ii) He shall not intimidate or influence witnesses and tamper with evidence.

(iii) He shall not get involved in similar offences during the currency of the bail period.

In case of breach of any of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court.

The bail application is allowed.

**Sd/-
ASHOK MENON
JUDGE**

NR/02/03/2021