

Kerala High Court

Hassainer @ Hassan vs State Of Kerala on 28 May, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 3018 of 2010()

1. HASSAINER @ HASSAN S/O. MOOSA,
... Petitioner

Vs

1. STATE OF KERALA, REPRESENTED BY ITS
... Respondent

For Petitioner :SRI.S.SREEKUMAR

For Respondent : No Appearance

The Hon'ble MRS. Justice K.HEMA

Dated :28/05/2010

O R D E R

K. HEMA, J.

B.A. Nos. 3018 & 3105 of 2010

Dated this 28th day of May, 2010.

ORDER

These two petitions are for bail and anticipatory bail respectively.

2. The alleged offences are under Section 147, 148, 332, 427 and 308 read with Sec. 149 IPC. According to prosecution, a procession was conducted by the workers of CPI(M) and, on seeing a car of a Congress worker parked by the side of the road, stones were pelted at it. The police tried to interfere and workers of CPI(M) as well as the Congress party pelted stones at the police. The sub Inspector and also a Police Constable were injured and they sustained injuries while they were discharging their official duty.

3. Accused no. 6 filed a petition for bail and accused nos. 5, 7, 8, 9, 10 and 12 filed application for anticipatory bail. They are all Congress workers. According to learned counsel for petitioners, actually the workers of CPI(M) had become violent on seeing the car of a Congress worker, who is implicated as the 4th accused. He was having a shop by the side of the road and the car was parked in front of the road. The Congress workers are falsely implicated by police only to pacify CPI(M) leadership. Petitioners are totally innocent of the allegations made and they are implicated falsely. Petitioners, who filed anticipatory bail applications, are teachers and they have not committed any offence, it is submitted.

4. This petition is opposed. Learned Public Prosecutor submitted that petitioners were identified and the names of 12 accused are mentioned in the FIR. It is not correct to say that they are innocent of the allegations made. Learned Public Prosecutor also pointed out that in Kasaragod District political clashes are common and police officials are at receiving end and many incidents occurred in which police is attacked. If the reliefs are granted, it will send a wrong message to public, it is submitted.

5. On hearing both sides, on considering the various aspects pointed out by learned Public Prosecutor and taking into account the serious nature of the allegations made, I am satisfied that this is not a fit case to grant anticipatory bail. There are only bare assertions regarding the innocence of petitioners but, there are no supporting materials. I am also satisfied that it may not be fit and proper to grant bail to the 6th accused at this stage.

Petitions are dismissed.

K. HEMA, JUDGE.

Krs.