

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Bail Appl..No. 378 of 2015 ()

CRIME NO. 592/2014 OF BEDAKOM POLICE STATION, KASARAGOD DISTRICT

PETITIONERS/ACCUSED 3 TO 6, 8 & 11 :

1. **SANTHOSH T.,
S/O.KRISHNAN, AGED 30 YEARS
RESIDING AT ANAKKALLU
KARIVEDAKAM VILLAGE,
SANKARAMPADI POST
KASARAGOD DISTRICT.**
2. **JOSE PRAKASH,
AGED 48 YEARS
RESIDING AT VADAKKETHADATHU HOUSE, ANAKKALLU
KARIVEDAKAM VILLAGE, SANKARAMPADI POST
KASARAGOD DISTRICT.**
3. **JINS JOSEPH,
AGED 32 YEARS, S/O.JOSEPH,
RESIDING AT KAPPIL HOUSE, ANAKKALLU
KARIVEDAKAM VILLAGE, SANKARAMPADI POST
KASARAGOD DISTRICT.**
4. **H.MADHAVAN,
S/O.NARAMBAN, AGED 30 YEARS
RESIDING AT EDERICHAL HOUSE, ANAKKALLU
KARIVEDAKAM VILLAGE, SANKARAMPADI POST
KASARAGOD DISTRICT.**
5. **A.LATHEEF,
S/O ABDUL RAHIMAN, AGED 41 YEARS
RESIDING AT RAFEEQU MANZIL, PADAPPU
KARIVEDAKAM VILLAGE, SANKARAMPADI POST
KASARAGOD DISTRICT.**
6. **ABHILASH B.V.,
S/O.VASUKUTTAN, AGED 32 YEARS
RESIDING AT VADAKKEPARAMBIL HOUSE
ANAKKALLU, KARIVEDAKAM VILLAGE,
SANKARAMPADI POST, KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT/STATE :

THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER
BEDAKAM POLICE STATION, KASARAGOD DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

B. KEMAL PASHA, J.

.....
B.A. No.378 of 2015
.....

Dated this the 13th day of March, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.3 to 6, 8 and 11 in Crime No.592/2014 of Bedakam Police Station, Kasaragod district, registered for the offences punishable under Sections 143, 147, 148, 447, 323, 324, 354 and 308 read with Section 149 IPC.

3. The allegation against the petitioners and other accused is that, on 05.12.2014 at 4.30 p.m. they formed themselves into an unlawful assembly, armed with deadly weapons like granite stones and sticks, committed trespass into the courtyard of the house of the de facto complainant

and attacked the de facto complainant. It is alleged that A1 attacked him with a granite stone and A2 beat him with a stick. The other accused allegedly slapped and fisted the de facto complainant. When his mother intervened for his rescue, she was pushed down, thereby her modesty was outraged.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. No criminal antecedents have been reported against the petitioners. All the main overt acts are alleged against A1 and A2. There is no allegation that these petitioners have made use of any weapon. Matters being so, this is not a case wherein the custodial interrogation of the petitioners is required for the continued investigation of this case. Considering the facts and circumstances of the case and in the absence of criminal antecedents on the part of the petitioners, I am of the view that this is a fit case

wherein anticipatory bail can be granted to the petitioners.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 20.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The petitioners shall not involve in any offence while on bail.

BA.378/2015

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It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/13/03

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PA to Judge