

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936`

Bail Appl..No. 382 of 2015 ()

**CRIME NO. 7/2015 OF MATTANNUR POLICE STATION,
KANNUR DISTRICT**

PETITIONER/ACCUSED :

- 1. RADHAKRISHNAN @ KEEMBILADAN RADHAKRISHNAN,
AGED 27 YEARS, S/O. NARAYANAN, KUNUPURATH HOUSE,
PERIYACHOOR, KAALERI VILLAGE, MATTANNUR POST,
KANNUR TALUK AND DISTRICT.**
- 2. VIJILASH, AGED 27 YEARS, S/O. MUKUNDAN,
VIJINALAYAM HOUSE, PERIYACHOOR, KAALERI VILLAGE,
MATTANNUR POST, KANNUR TALUK AND DISTRICT.**
- 3. DAMODARAN PAYYADAKATH, AGED 45 YEARS,
S/O. KUNHAMBU, PULLARI VALAPPIL HOUSE, PERIYACHOOR,
KAALERI VILLAGE, MATTANNUR POST, KANNUR TALUK AND DISTRICT.**
- 4. BABU @ ARAYAKANDI BABU, AGED 37 YEARS,
S/O. KUNHIRAMAN, ARAYAKANDI HOUSE, PERIYACHOOR,
KAALERI VILLAGE, MATTANNUR POST, KANNUR TALUK AND DISTRICT.**
- 5. RATHEESH @ CHAPPAN RATHEESH, AGED 32 YEARS,
S/O. KUMARAN, MEETHALE HOUSE, PERIYACHOOR,
KAALERI VILLAGE MATTANNUR POST, KANNUR TALUK AND DISTRICT.**
- 6. T.K. RAJEEVAN, AGD 39 YEARS, S/O. KRISHNAN, KUNUMEEL HOUSE,
PERIYACHOOR, KAALERI VILLAGE, MATTANNUR POST,
KANNUR TALUK AND DISTRICT.**

**BY ADVS.SRI.T.B.SHAJIMON
SMT.GOVINDU P.RENUKADEVI**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA, REP BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

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B.A. No. 382 of 2015

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Dated this the 3rd day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1, A2, A5, A6, A9 and A7 in Crime No.7 of 2015 of the Mattannur Police Station, registered for the offences punishable under Sections 143, 147, 148, 341, 294(b), 506(i), 353 and 308 read with Section 149 IPC and Section 3(1) of the Prevention of Damage to Public Properties Act, 1984.

3. The allegation against the petitioners is that during the mid-night of 31.12.2014, the petitioners formed themselves into an unlawful assembly, armed with deadly weapons like beer bottles and staged a tumult on the road, under the guise of welcoming the New Year. When the police party under the leadership of the defacto complainant asked them to disburse, they abused the police party and deterred them from the discharge of their official duties. It is also alleged that a beer bottle was thrown towards the police party, which damaged the side mirror of the police jeep.

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

5. This is not a case wherein the custodial interrogation of the petitioners is required for the continued investigation of this case. It seems that the investigation of this case is practically over. No criminal antecedents have been reported against the petitioners. Considering the facts and circumstances of the case, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

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 Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each 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 09.00 a.m. and 11.00 a.m. on all Tuesdays and Fridays commencing from 10.02.2015 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.

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

DSV/3/2/15

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PA to Judge