

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

Bail Appl..No. 589 of 2015 ()

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CRIME NO. 742/2014 OF THENHIPALAM POLICE STATION, MALAPPURAM DIST.**

PETITIONERS/ACCUSED:

- 1. N. SHAREEF, S/O.MOIDEENKUTTY, AGED 21 YEARS,
VADAKKEKANDI HOUSE, CHELEMBRA,
CALICUT UNIVERSITY P.O, MALAPPURAM DISTRICT.**
- 2. T.V. SREEDHARAN, S/O.KANDANKUTTY,
AGED 59 YEARS, THANDANIVEETIL HOUSE,
CHELEMBRA, CALICUT UNIVERSITY P.O.,
MALAPPURAM DISTRICT.**
- 3. RAJAN. M., S/O.KEERAN,
AGED 52 YEARS, KUYAYERIPURAYI HOUSE, CHELEMBRA,
CALICUT UNIVERSITY P.O, MALAPPURAM DISTRICT.**
- 4. A. BALAKRISHNAN, S/O.CHATHU,
AGED 62 YEARS, KOORKKANPARAMBIL HOUSE, CHELEMBRA,
CALICUT UNIVERSITY P.O, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR.

RESPONDENTS/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
THENHIPALAM POLICE STATION,
MALAPPURAM DISTRICT, PIN-673 636.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

B.A.No.589 of 2015

Dated this the 5th day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.742/2014 of the Thenhippalam Police Station, Malappuram district registered for the offences punishable under Sections 143, 147, 148, 448, 452, 427, 323, 324 and 506(ii) read with Section 149 of the I.P. C.

3. The allegation against the petitioners is that on 7.12.2014 at 5 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and have committed trespass into the factory of M/s.Malabar Gold, which is under construction and committed rioting and rioting armed with deadly weapons and they intimidated the security workers, beat them and smashed and

destroyed the C.C. T.V. etc. attached to the security office, thereby causing a wrongful loss of Rs.3,00,000/- to Malabar Gold.

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

5. The learned counsel for the petitioners has pointed out that there was an agitation in the locality against the setting up of the factory by M/s.Malabar Gold at the said locality, as there will be serious air pollution in the locality from the factory. As a part of the said agitation, the local public gathered and there occurred some quarrel, which has resulted in a simple push and pull. The learned counsel for the petitioners has pointed out that there was an allegation that the lorry of M/s.Malabar Gold was smashed and destroyed and the registration number of the lorry was also given. When the details of the vehicle was procured through the Right to Information Act, it was revealed that the said registration number belongs to an autorikshaw.

6. Considering the facts and circumstances of this case, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

7. 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 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 Thursdays commencing from 12.2.2015 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

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PA to Judge