

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Bail Appl.No. 661 of 2015

CRIME NO. 1343/2014 OF PAVARATTY POLICE STATION, THRISSUR
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PETITIONER(S)/ACCUSED:

1. SHAJI P.R., AGED 40 YEARS,
S/O. RAMAKRISHNAN, PUBANTHARA HOUSE, ELAVALLY VILLAGE,
KAKKASSERY DESOM, CHAVAKKAD TALUK, THRISSUR DISTRICT.
2. SOMAN K.B., AGED 53 YEARS,
S/O. BHASKARAN, KARUMATHIL HOUSE, ELAVALLY VILLAGE,
KAKKASSERY DESOM, CHAVAKKAD TALUK, THRISSUR DISTRICT.
3. RAGHUNADHAN, AGED 39 YEARS,
S/O. MADHAVAN, AMBATTU HOUSE, ELAVALLY VILLAGE & DESOM,
CHAVAKKAD TALUK, THRISSUR DISTRICT.
4. P.B.MOHANAN, AGED 39 YEARS,
S/O. BHASKARAN, PALLUKULANGARA HOUSE,
ELAVALLY VILLAGE & DESOM, CHAVAKKAD TALUK,
THRISSUR DISTRICT.
5. SATHEESH, AGED 34 YEARS,
S/O. SIDHARTHAN, MADATHINKAL HOUSE,
ELAVALLY VILLAGE & DESOM, CHAVAKKAD TALUK,
THRISSUR DISTRICT.
6. RATHEESH A.C., AGED 36 YEARS,
S/O. CHANDRAN, ALATTU VEEDU CHITTATTUKARA,
ELAVALLY VILLAGE, CHITTATTUKARA DESOM, CHAVAKKAD TALUK,
THRISSUR DISTRICT.
7. A.C.RAMESH, AGED 38 YEARS,
S/O. CHANDRAN, ALATTU VEEDU CHITTATTUKARA,
ELAVALLY VILLAGE, CHITTATTUKARA DESOM, CHAVAKKAD TALUK,
THRISSUR DISTRICT.
8. MUNEER, AGED 33 YEARS,
S/O. ABDUL RAHIMAN, ELAVALLY VILLAGE & DESOM,
CHAVAKKAD TALUK, THRISSUR DISTRICT.

BY ADV. SRI.RAJIT

msv/

Bail Appl.No. 661 of 2015

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LISHA M.G.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
14-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

SUNIL THOMAS, J.

B.A. No.661 OF 2015

Dated this the 14th day of July, 2015

O R D E R

This application for pre-arrest bail is submitted by the accused in Crime No.1343/2014 of Pavaratty Police Station for offences punishable under Sections 143,147,447,323,294(b), 506 (ii) & 384 read with Section 149 IPC .

2. The allegation of the prosecution is that the accused, who were registered members of a head load workers' union, on 3/12/2014 at about 7.30 pm trespassed into the courtyard of the house of the defacto complainant and attacked the persons who were carrying out unloading works. It was alleged that they forcibly extracted a sum of Rs.4,150/- from the defacto complainant. Crime was registered on the basis of the complaint and the accused have approached this Court seeking pre-arrest bail.

3. Heard and examined the records.

4. Evidently, the allegation arises out of a dispute regarding unloading of articles. It appears that the petitioners

herein wanted to assert their right to carry out the unloading work. The learned counsel for the petitioners vehemently contended that no offence under Section 384 is made out, even from the prosecution allegation. Notwithstanding the above, the learned counsel contended that the matter between the parties have been sorted out amicably and even according to the defacto complaint, his complaint does not survive. A copy of an affidavit dated 17/2/2015 affirmed before the notary public was produced before this Court. Though it may not be proper to this Court to go into the genuineness and contents of such an affidavit, considering the nature of the allegation and all attending circumstances, I feel that the petitioners can be granted pre-arrest bail subject to the following conditions:

i). The petitioners shall appear before the Investigating Officer on 22/7/2015 between 9 and 10 a.m. and offer themselves for interrogation. After interrogation, they shall be released on bail on each of the petitioner executing a bond for a sum of Rs.20,000/- (Rupees Twenty thousand only) with two sureties for the like sum each.

ii). The Investigating Agency may also look into the affidavit filed before this Court and decide the course of further

investigation in this regard.

iii). The petitioners shall not threaten, coerce or intimidate the witnesses of the defacto complainant and shall not in any manner, get involved in identical offences.

The petition is allowed as above.

Sd/-

SUNIL THOMAS
Judge

dpk

/true copy/ PS to Judge.

