

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Bail Appl..No. 1163 of 2015 ()

CRIME NO. 60/2015 OF ADHUR POLICE STATION, KASARAGOD DISTRICT.

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PETITIONER/ACCUSED NOS. 2 TO 16:

- 1. GANGADHARAN. B., S/O.BHAVANI SHANKAR (LATE),
AGED 47 YEARS, KUNDADUKKAM, MULIYAR VILLAGE.**
- 2. PRAKASH. K., S/O. NARAYANAN,
AGED 30 YEARS, BHANDARA VEEDU,
KODAVANCHI, MULIYAR VILLAGE.**
- 3. ANEESH. M., S/O. GOPALAN, AGED 22 YEARS,
AMMANKODU, MULIYAR VILLAGE.**
- 4. MAJUNATHAN. A., S/O. JAYARAMAN,
AGED 22 YEARS, AMMANKODU, MULIYAR VILLAGE.**
- 5. NAGESH. C., S/O. K. BALAN, AGED 30 YEARS,
CHILLIKKAYA, MULIYAR VILLAGE.**
- 6. MANI @ MANIKANTAN. K., S/O. NARAYANAN,
AGED 39 YEARS, KODAVANCHI, MULIYAR VILLAGE.**
- 7. ANEESH KUMAR @ ANI, S/O. BALAKRISHNAN,
AGED 30 YEARS, KALINGAN HOUSE, CHIPLIKKAYA,
MULIYAR VILLAGE.**
- 8. NIKHIL. P.K., S/O.DAMODHARAN, AGED 25 YEARS,
PANAKKAYAM HOUSE, AMMANKODU, MULIYAR VILLAGE.**
- 9. KEERTHI PRASAD. K, S/O.SREEDHAR RAO,
AGED 26 YEARS, HUNDADUKKA, KUNTAR,
ADHUR VILLAGE.**
- 10. LATHEESH. K.H., S/O. SREEDHAR RAO, AGED 26 YEARS,
HUNDADUKKA, KUNTAR, ADHUR VILLAGE.**
- 11. VINAYA KUMAR. M., S/O. BHASKARA RAO, AGED 26 YEARS,
MATTADUKKA HOUSE, KUNDAR, ADHUR VILLAGE.**

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**12. YASWANTHA. K., S/O. LATE SANJEEVA RAO. N.,
AGED 21 YEARS, HUNDADUKKA, KUNDAR, ADHUR VILLAGE.**

**13. YOGEEESH. M., S/O. SADHASIVA RAO, AGED 21 YEARS,
UITHADUKKA, KUNDAR, ADHUR VILLAGE.**

**14. NIDHEESH. E., S/O. RAJAN. N., AGED 23 YEARS,
IDAYILLAM HOUSE, PARAYAMKODU, MULIYAR VILLAGE.**

**15. PAVAN KUMAR, S/O. MALOJI RAO,
AGED 23 YEARS, ATHANADI HOUSE,
KUNDAR, ADHUR VILLAGE.**

**BY ADVS.SRI.P.HARIDAS,
SRI.P.C.SHIJIN.**

RESPONDENTS/STATE & COMPLAINANT:

**1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN- 682 031.**

**2. SUB INSPECTOR OF POLICE,
ADHUR POLICE STATION.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.1163 of 2015
.....

Dated this the 11th day of March, 2015

O R D E R

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.2 to 16 respectively in Crime No.60/2015 of Adhur Police Station registered for the offences punishable under Sections 143, 147, 148, 427, 452 and 153A read with Section 149 IPC.

3. The allegation against the petitioners is that on 01.02.2015 at 7.30 p.m. they formed themselves into an unlawful assembly armed with deadly weapons like sticks and stones and trespassed into a bakery named Ideal Bakery at a place called Bovikkanam and smashed the glass of the almirah, glass of the freezer, etc. It is alleged

that they pelted stones on a restaurant called Thalassery Restaurant and also pelted stones on Mohiyudheen Juma Masjid. It is alleged that they have deliberately committed the said acts for igniting communal violence and hatred. The petitioners have been in custody for the period from 19.02.2015 onwards.

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

5. Even though the contents of the CD reveal untoward incidents, which are of serious nature, it seems that no criminal antecedents have been reported against the petitioners. The investigation of this case is practically over. Having regard to the period undergone by the petitioners in custody and the present stage of investigation, and the facts and circumstances of the case, I am satisfied that the petitioners can be enlarged on bail by making a provision for compensating the loss sustained to the two shops.

6. In the result, this Bail Application is allowed and

the petitioners shall be enlarged on bail on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) Each of the petitioners shall deposit ₹5,000/- before the court below.

(ii) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 18.03.2015 for a period of six months.

(iii) Except for observing condition No.(ii) above, the petitioners shall not enter the local limits of Adhur Police Station for a period of six months from today.

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

(v) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

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

BA.1163/2015

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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/11/03

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PA to Judge