

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. 1171 of 2015

CRIME NO. 277/2015 OF KOTHAMANGALAM POLICE STATION, ERNAKULAM DISTRICT.
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PETITIONERS/ACCCUSED NOS. 1 TO 3, 5, 6 & 9 TO 10:

1. AKHILESH MATHEW, AGED 27,
S/O.MATHEW, VAZHIMANGALATH(H),
KUTHUKUZH, KOTHAMANGALAM.
2. SAJAN.P.M, AGED 26, S/O.MOHANAN,
PARUTHIPARIL, NERIAMANGALAM, KANJIRAVELI.
3. BASIL JAMES, AGED 24, S/O.JAMS,
KOTTAKUDIYIL(H), POTHANICAD.P.O.
4. AKHIL PRAMOD, AGED 21, S/O.PRAMOD,
PRABHALAYAM, KOZHIPPILLY, KOTHAMANGALAM.
5. V.M.JUNID, AGED 26, S/O.MUHAMMED,
VATTAPARA(H), METHALA.P.O, KURUPPAMPADY.
6. RON.K.ROY, AGED 26, S/O.ROY,
THAMARASSERY(H), CHERANGARA KARA,
CHALAKKUDY, KIZHAKKUMURI, THRISSUR.
7. GEO PIOUS, AGED 19, S/O.A.V.PIOUS,
AVARAPPATTU(H), CHELAD.P.O, MINIPPADY.
8. KRISHNAPRASAD.P.K, AGED 21, S/O.P.V.KUTTAPPAN,
PALLITHAZHATHU(H), THALAKODE.P.O.
9. AMAL.B, AGED 20, S/O.M.BABU,
VALLYALACKAL(H), PANIKKANKUDY, PIN-685571.

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT/COMPLAINANT:

**STATE OF KERALA, REPRESENTED BY
THE S.I.OF POLICE, (CRIME NO.277/15)
KOTHAMANGALAM POLICE STATION,
REPRESENTED 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 11-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

B.A.No.1171 of 2015

Dated this the 11th day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1, 2, 5, 6, 11, 3, 12, 10 and 9 respectively in Crime No.277/2015 of Kothamangalam Police Station registered for the offences punishable under Sections 143, 144, 148, 341, 342, 323, 324, 327, 308, 506(ii) and 294(b) read with Section 149 of the I.P. C.

3. The allegation against the petitioners is that on 11.2.2015 at 4.20 p.m., while the *defacto complainant*, who is the student of M.A. College, was returning to his house from the college, the petitioners formed themselves into an unlawful assembly armed with deadly weapons near the college, abused him

in filthy language and attacked him. It is alleged that A1 beat on the head of the *defacto complainant* with the wooden leg of a chair, thereby causing a serious injury. A2 caught hold of the shirt of the *defacto complainant* and slapped on his face and A3 and A4 beat him with sticks. The other accused slapped and stamped the *defacto complainant*.

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

5. It seems that the allegations against the A1, who is the 1st petitioner herein and A3, who is the 6th petitioner herein, are very grave and serious. The allegations against the other petitioners are that they have slapped and stamped the *defacto complainant*. There is no allegation that they have made use of any weapon. Considering the seriousness of the allegations against A1 and A3, who are petitioners and 1 and 6 herein, I am satisfied that they are not entitled to the discretionary relief of anticipatory bail. It seems

that several other cases have been registered in respect of the clashes between the students of the said college. At the same time, it has not been made clear whether A2, A5, A6, A9, A10, A11 and A12 are also involved in any of those cases. Considering the facts and circumstances of this case, I am of the view that all the petitioners, except petitioners 1 and 6, are entitled to the discretionary relief of anticipatory bail.

6. In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is conducting the arrest of the petitioners 2, 3, 4, 5, 7, 8 and 9, 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 said petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on

all Wednesdays and Saturdays, commencing from 18.3.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) The said 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.

As far as petitioners 1 and 6 are concerned, this bail application is dismissed. At the same time, if so advised, these petitioners may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate these petitioners, effect recovery if any, and conduct the investigation and produce these petitioners without delay before the concerned Judicial First Class Magistrate's Court, where these

petitioners can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA,
JUDGE

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// TRUE COPY //

PA to Judge