

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

Bail Appl..No. 1315 of 2015 ()

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CRIME NO. 108/2015 OF KUMBLA POLICE STATION,  
KASARGOD DISTRICT  
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PETITIONERS/ACCUSED :

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1. RAJESH, AGED 38 YEARS,  
S/O.DINESH, RESIDING AT NAIKKAPPU, KOIPADI VILLAGE,  
MANJESHWAR TALUK, KASARAGOD.
2. SATHYAN @ SATHEESHAN, AGED 30 YEARS,  
S/O.NARAYANAN, MUNDAPALLAM, KOIPADY VILLAGE,  
MANJKESHWAR TALUK, KASARAGOD.
3. PRASANTH @ KUNHA, AGED 32 YEARS,  
S/O.SOMAYYA, RESIDING AT DARBARKKATTA, KOIPADI VILLAGE,  
MANJESHWAR TALUK, KASARAGOD.

BY ADVS.SRI.T.G.RAJENDRAN  
SMT ANN SUSAN GEORGE

RESPONDENTS/COMPLAINANT/STATE :

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1. THE STATION HOUSE OFFICER,  
KUMBLA POLICE STATION, KASARAGOD-671321.
2. STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 12-03-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

bp

**B.KEMAL PASHA, J.**

.....  
B.A. No.1315 of 2015  
.....

Dated this the 12<sup>th</sup> day of March, 2015

**ORDER**

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 to A3 respectively in Crime No.108/2015 of the Kumbala Police Station, Kasaragod, registered for the offences punishable under Sections 448, 324 and 308 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that on 21.02.2015 at 9.30 p.m., they trespassed into the compound of the Mosque at Darbarkatta and attacked the defacto complainant who was standing at the veranda of the Mosque. It is alleged that he was beaten up with wooden

sticks. The petitioners have been in custody for the period from 27.02.2015 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor has opposed the petition. Perused the CD.

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioners. At the same time, no criminal antecedents have been reported against the petitioners. The allegations levelled against the petitioners are very grave and serious. It seems that they have not only trespassed into the compound of the Mosque, whereas they trespassed into the veranda of the Mosque, which could have ultimately led to communal disturbances in the area. Having regard to the period undergone by the petitioners in custody, this court is of the view that the petitioners can be enlarged on bail, on strict conditions.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on their executing a

bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each 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) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 19.03.2015 for a period of six months.

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

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

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

(v) 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**

ul/-

[True copy]

P.S. to Judge