

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. 1321 of 2015 ()

CRIME NO. 157/2015 OF MANNARKKAD POLICE STATION,
PALAKKAD DISTRICT

PETITIONERS/ACCUSED 4,5 AND 7:

1. MOHAMMED RISHAD, AGED 19 YEARS,
S/O.USMAN, MARAKUNNEL HOUSE, NALAKANDAM
ALANATOOR MANARKKAD, PALAKKAD DISTRICT.
2. JAWAHARUDHEEN @ JAWAHAR, AGED 20 YEARS,
S/O.MOHAMMED, CHAKKAPURATH HOUSE,
ARAKKUPARAMBU POST PUTHOOR, PERINTHALMANNA TALUK,
MALAPPURAM.
3. ASIF, S/O.ABDUL KAREEM, AGED 19 YEARS,
VALAKOTTIL HOUSE, KALADIKODE P.O.,
MANNARKKAD TALUK, PALAKKAD DISTRICT.

BY ADVS.SRI.S.U.NAZAR
SRI.M.N.SAKKEER HUSSAIN
SRI.MANSOOR.B.H.
SRI.I.V.PRAMOD

RESPONDENT/COMPLAINANT/STATE :

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031

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:

bp

B. KEMAL PASHA, J.

.....
B.A. No.1321 of 2015
.....

Dated this the 11th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.4, 5 and 7 respectively in Crime No.157/2015 of Mannarkkad Police Station registered for the offences punishable under Sections 143, 147, 148, 323, 324, 326 and 307 read with Section 149 IPC and Section 4 of the Kerala Prohibition of Ragging Act.

3. The allegation against the petitioners and other accused is that on 04.02.2015 at 3.45 p.m., they formed themselves into an unlawful assembly armed with deadly weapons at the playground of the Higher Secondary School, Mannarkkad and committed rioting and rioting armed with

deadly weapons. It is alleged that as a part of the ragging, a first year B.Com student, who is the de facto complainant, was severely attacked by the accused. It is alleged that he was beaten up with wooden sticks and iron rod and also hit with granite stone. It is further alleged that the 8th accused had beat on his left eye with an iron rod, thereby he lost the eye sight of his left eye. It is alleged that the 1st accused beat him with a wooden stick. The allegation against the other accused is that they have slapped, kicked and stamped the de facto complainant. The petitioners have been in custody for the period from 16.02.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioners. All the main overt acts are alleged against A1 and especially, A8, who has caused the grievous hurt in taking away the eye sight of the left eye of the de facto complainant. It is true that the other accused persons

also were hand in gloves with A1 and A8. Having regard to the period undergone by the petitioners in custody and the absence of criminal antecedents on their part, I am of the view that the petitioners can be enlarged on bail.

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 ₹50,000/-(Rupees fifty 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) 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 three months.

(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.

BA.1321/2015

: 4 :

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