

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

Bail Appl..No. 1799 of 2015

CRIME NO. 331/2015 OF CHAVARA POLICE STATION, KOLLAM DISTRICT.
.....

PETITIONER(S)/ACCUSED 1 TO 12:

1. JOHN CHRISTOPHER,
S/O.CHRISTOPHER, AGED 47 YEARS,
STEPHEN LAND, NEENDAKARA VILLAGE,
KOLLAM DISTRICT.
2. JOHN BRITO @ BRITO,
S/O.THOMAS, AGED 31 YEARS,
ROY BHAVANAM, NEELESWARAM THOPIIL,
NEENDAKARA, KOLLAM.
3. GEORGE @ ITTU, S/O.TERENCE,
AGED 26 YEARS,STEPHEN LAND,
NEENDKARA, KOLLAM.
4. FRANCIS @ AMBILI, S/O.JOHN,
AGED 36 YEARS, VICTORIA BHAVANAM,
NEENDAKARA, KOLLAM.
5. BINU, S/O.JOHN, AGED 30 YEARS,
VICTORIA BHAVANAM, NEENDAKARA,
KOLLAM.
6. JOJO, S/O.JOY, AGED 19 YEARS,
JOJO NIVAS, NEELESWARAM THOPPIL,
NEENDAKARA, KOLLAM.
7. STANLIN JOHN, S/OJOHN, AGED 21 YEARS,
STEPHEN LAND, NEENDAKARA, KOLLAM.
8. JACKSON, S/O.DOMINIC, AGED 25 YEARS,
JENCHY BHAVANAM, NEELESWARAM THOPIL,
NEENDAKARA, KOLLAM.
9. VIPIN, S/O.VICTOR, AGED 27 YEARS,
VICTOR BHAVANAM, NEELESWARAM THOPPIL,
NEENDAKARA, KOLLAM.

Bail Appl..No. 1799 of 2015

10. JACKSON, S/O.KENNADI, AGED 27 YEARS,
KURISHADI PUTHUVAL NEELESWARAM THOPPIL,
NEENDAKARA, KOLLAM.
11. JOBIN, S/O.JOSEPH, AGED 27 YEARS,
JOBIN BHAVANAM, NEELEWARAM THOPIIL,
NEENDAKARA, KOLLAM.
12. JOSHI, S/O.JOSEPH, AGED 25 YEARS,
JOBIN BHAVANAM, NEELESWARAM THOPPIL,
NEENDAKARA, KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENT/COMPLAINANT:

STATE, REPRESENTED BY
THE STATION HOUSE OFFICER,
CHAVARA POLICE STATION,
KOLLAM DISTRICT ,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.LALIZA.TY.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.1799 of 2015
.....

Dated this the 9th day of April, 2015

ORDER

~ ~ ~ ~ ~

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 12 in Crime No.331/2015 of Chavara Police Station registered for the offences punishable under Sections 143, 147, 148, 294(b), 323, 324, 354, 506(ii) and 308 read with Section 149 IPC.

3. A dispute with regard to the widening of a road has resulted in a clash between two groups of the locality in question. It seems that on 12.02.2015 at 9.30 p.m. the de facto complainant and his associates were allegedly attacked by the petitioners for which they had formed themselves into an unlawful assembly armed with deadly weapons like iron rod, sword, axe, etc. Injuries were caused to the de facto complainant and others.

4. Heard the learned counsel for the petitioners and

the learned Public Prosecutor.

5. The learned counsel for the petitioners has pointed out that some of the petitioners were attacked. They also sustained injuries in the incident, whereby crime No.334/2015 of Chavara Police Station was registered for the offences punishable under Sections 341, 323, 324, 294 (b), 506(i) and 354 read with Section 149 IPC. It seems that there was no premeditation to cause the incident in question, whereas the cause had momentarily arisen. Considering the facts and circumstances of the case and the fact that both sides have subjected injuries in the incident, I am of the view that anticipatory bail can be granted to the petitioners on conditions.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, 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 petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 16.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(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.

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/09/04

// True Copy //

PA to Judge