

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE RAJA VIJAYARAGHAVAN.V

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Bail Appl..No.1865 of 2015

CRIME NO.215/2015 OF PAZHAYANGADI POLICE STATION,KANNUR.

PETITIONER'S/ACCUSED NO.1 TO 7 & 9:

1. **SANAL THOMAS,AGED 26 YEARS,
S/O.MERIDASAN,CHELLERIAN ETTAMMAL HOUSE,
MADAYI,MADAYI P.O.,KANNUR DISTRICT.**
2. **JISHAD,AGED 32 YEARS,S/O.MOHANAN,
VINAYAKA,MADAYI,MADAYI P.O.,KANNUR DISTRICT.**
3. **SHABIN.K,AGED 26 YEARS,S/O.PADMANABHAN,
KALLEN HOUSE,MADAYI,MADAYIL P.O.,KANNUR DISTRICT.**
4. **SHINOJ,AGED 32 YEARS,S/O.NARAYANAN,
PUNNATHIRIAN,MADAYI,MADAYI P.O.,KANNUR DISTRICT.**
5. **SHAJI,AGED 38 YEARS,S/O.LAKSHMI,
ETTAMMAL HOUSE,MADAYI,MADAYI P.O.,
KANNUR DISTRICT.**
6. **JIJESH @ UNNI,AGED 30 YEARS,S/O.MOHANAN,
VAYAKKARA,MADAYI,MADAYI P.O.,KANNUR DISTRICT.**
7. **JIMESH @ KUTTAN,AGED 28 YEARS,S/O.MOHANAN,
VAYAKKARA,MADAYI P.O.,KANNUR DISTRICT.**
8. **NIKESH,AGED 29 YEARS,S/O.VELAYUDHAN,
VEMBIRINJAN,MADAYI,MADAYI P.O.,KANNUR DISTRICT.**

**BY ADVS.SRI.ZUBAIR PULIKKOOL
SRI.P.S.BINU**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

RAJA VIJAYARAGHAVAN.V. J

B.A.1865 of 2015

Dated 17th June, 2015

ORDER

1. The petitioners herein are arrayed as accused Nos.1 to 7 and 9 in Crime No.215 of 2015 of Pazhayangadi police station registered under Sections 143, 147, 148, 341, 323, 324, 452 and 354 r/w Section 149 of IPC.

2. The gist of the allegation is that on 06.03.2015 at 10.30 pm while the de-facto complainant was returning from the house of his uncle which is situated at Puthiyangadi, the accused formed themselves into an unlawful assembly armed with deadly weapons and in pursuance of their common object, assaulted him with a stick and inflicted injuries on him. Further allegation is that the accused have also trespassed into the house of the uncle of the de-facto complainant and assaulted him and also caught hold of the hands of his wife and outraged her modesty.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and that there was a complaint before the Panchayat against one Rajan and his wife Shaji for pursuing immoral activities in the Panchayat area. The de-facto complainant, according to the learned counsel, is a frequent visitor of the house. The petitioners were opposed to the immoral activities and therefore, in order to harass the petitioners, Rajan and Shaji had submitted a false complaint through the defacto complainant. According to the learned counsel, the petitioners apprehend arrest.

4. The learned Public Prosecutor, on instructions, submits that the petitioners have assaulted the de-facto complainant with sticks and the injuries are minor. It is also submitted that the acts of the petitioners cannot be countenanced as they were engaging in moral policing.

5. The gravity and nature of allegations, the injury sustained and the fact that the petitioners have no

criminal antecedents persuade this Court to issue positive directions for grant of pre-arrest bail, subject to the following stringent conditions:-

1. The petitioners shall be released on bail, in the event of their arrest, on their executing a bond for Rs.25,000/- (Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.
2. Petitioners shall surrender their passport before the learned Magistrate and in case they are not holding any passport, they shall file an affidavit stating so, within five days of their release.
3. Petitioners shall not leave India without the previous permission of the jurisdictional court.
4. The petitioners shall cooperate with the investigation and shall appear before the investigating officer between 10 a.m and 11 a.m on every Saturday for 3 months, or till the final report is filed, whichever is earlier.

5. Petitioners shall not threaten or attempt to influence the witnesses and shall not get involved in any criminal case while on bail.

6. Petitioners shall in no event tamper or attempt to tamper with the evidence nor shall they hamper the investigation.

Violation of any of the above conditions will entitle the jurisdictional Court to cancel the bail in accordance with law.

The Bail Application is allowed as above.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True Copy//

P.S.ToJudge