

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 21ST DAY OF APRIL 2015/1ST VAISAKHA, 1937

Bail Appl.No. 2102 of 2015

AGAINST THE ORDER IN CMP 1338/2015 of THE JUDICIAL FIRST CLASS
MAGISTRATE-III, THIRUVANANTHAPURAM DATED 04-04-2015
CRIME NO. 232/2015 OF MUSEUM POLICE STATION , THIRUVANANDAPURAM

PETITIONERS/ACCUSED 6 & 7:

1. SANJAY VARMA, AGED 38 YEARS
S/O.SARASAPPAN, TC 12/236, MULAVANA
KUNNUKUZHY WARD, PATTOM VILLAGE
PRESENTLY RESIDING AT BALA, TC 15/309, ALTHARA NAGAR
VAZHUTHACAUD WARD, SASTHAMANGALAM VILLAGE.
2. MANU JOHN
S/O.JOHN, TC 27/309, VIVEKANANDA NAGAR
URUKULAM, NEAR AKG CENTRE, KUNNUKUZHY WARD
VANCHIYOOR VILLAGE

BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN

RESPONDENT/COMPLAINANT:

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

R BY PUBLIC PROSECUTOR SRI N. SURESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
21-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

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B.A. No. 2102 of 2015

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Dated this the 21st day of April, 2015

ORDER

The petition is filed under Section 439 of Cr.P.C. for bail.

2. Heard the learned counsel appearing for the petitioners and the learned Public Prosecutor appearing for the respondent. C.D. produced.

3. The petitioners are 6th and 7th accused in Crime No. 232 of 2015 of Museum Police Station, Thiruvananthapuram. The offences alleged are under Sections 143, 147, 148, 332 and 427 read with Section 149 of I.P.C. and under Sections 3 and 4 of the Prevention of Damage to Public Property Act. The allegation is that about 50 persons including the petitioners formed themselves into an unlawful assembly and in prosecution of their common object committed

various offences including causing a loss of Rs.10 lakh to the Government by setting fire a police bus. The petitioners were arrested on 4-4-2015 and they were produced before the court. They were remanded to judicial custody. They continue to be in custody.

4. Learned counsel for the petitioners submits that the petitioners are innocent of the allegations raised against them. They have no criminal antecedents. The investigation of the case has progressed much. He further submits that the continued custody of the petitioners is not required for completing the investigation.

5. The Case Diary shows that the investigation of the case has progressed much. The learned Public Prosecutor submits that about 50 persons including the petitioners formed themselves into an unlawful assembly and committed various offences and caused loss to the Government to the tune of Rs.10 lakh by setting fire a police bus. No criminal antecedents have been reported against the petitioners, he further submits.

6. On considering the facts and circumstances, stage of the investigation, the period the petitioners have spent in jail and the fact that no criminal antecedents have been reported against the petitioners, this Court is satisfied that the petitioners can be granted bail imposing appropriate conditions. Since the petitioners and other accused in this case allegedly caused loss to the Government to the tune of Rs.10 lakh by setting fire a police bus, the petitioners shall be directed to deposit an appropriate amount before the court as a condition for releasing them on bail. Therefore, the petitioners are granted bail subject to the following conditions:

1) The petitioners shall be released on bail on their executing bonds for Rs.25,000/- (Rupees twenty five thousand) each with two solvent sureties each for the like sum to the satisfaction of the concerned Magistrate's Court.

2) The petitioners shall deposit Rs.50,000/- (Rupees fifty thousand) each before the concerned Magistrate's Court. They shall be released on bail only on such deposits made by them. If the petitioners are acquitted of the concerned offence in the trial of the case, they will be entitled to receive back the amount so deposited. If they are

convicted for such offence, the said amount shall be at the disposal of the concerned Magistrate.

3) The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Mondays for a period of two months.

4) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

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

6) The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

7) The petitioners shall not commit any similar offence while on bail.

8) The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court.

This application is allowed as above.

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**

ks.

True copy

P.S. (Hr.Gr.)To Judge

