

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

Bail Appl..No. 2276 of 2015

CRIME NO. 234/2015 OF MUSEUM POLICE STATION, THIRUVANANTHAPURAM.
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PETITIONER(S)/ACCUSED NOS.1 & 2:

1. SANJAY VARMA, AGED 26 YEARS,
S/O.SARASAPPAN, KANNETTU VEEDU, T.C.12/236,
MULAVANA, PATTOM, PRESENTLY RESIDING AT BALA,
TC.15/309, ALTHARA NAGAR, VAZHUTHACAUD WARD,
SASTHAMANGALAM VILLAGE.
2. MANU JOHN, AGED 21 YEARS,
S/O.JOHN, TC.27/309, VIVEKANANDA NAGAR,
OORUKULAM, KUNNUKUZHI, VANCHIYOOR.

BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN

RESPONDENT(S)/COUNTER PETITIONERS:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE,
MUSEUM POLICE STATION.

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. RAMAKRISHNAN, J.

B.A. No. 2276 of 2015

Dated this the 28th day of April, 2015.

ORDER

This is an application filed by the accused Nos.1 and 2 in Crime No.234 of 2015 of Museum Police Station of Thiruvananthapuram District for regular bail under Section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that due to the friction erupted between the rival political parties relating to the presentation of Budget in the Kerala Legislative Assembly, the accused persons formed themselves in unlawful assembly with an intention to commit murder of Sri. M.A.Vahid, the MLA of the Ruling Party, attacked him and caused injuries to him and also caused damage to his car and thereby all of them committed the offences punishable under Sections 143, 147, 148, 149, 324, 427 and 307 of the Indian Penal Code.

3. Heard the counsel for the petitioners and the Public

Prosecutor.

4. The learned counsel for the petitioners submitted that the petitioner have not committed any offence and they are innocent of the same and they have been falsely implicated in the crime and they are in jail from 25.3.2015 onwards.

5. The application was opposed by the Public Prosecutor on the ground that the investigating is not over and others have not been arrested and they are the accused in other cases also.

6. It is seen from the report of the investigating officer that on the basis of the statement given by the defacto complainant, the case has been registered against the petitioners and other 10 identifiable persons belonging to the opposite political group (Left Democratic Front) alleging offences under Sections 143, 147, 148, 149, 324, 427 and 307 of the Indian Penal Code. It is also seen from the report that they were arrested on 25.3.2015 and they are in jail on that date onwards. It is also alleged in the report that the accused

Nos.1 and 2 are accused in Crime No.234 of 2015 of same police station alleging offences under Sections 143, 147, 148, 149, 332 and 427 of the Indian Penal Code and Section 4 of the P.D.P.P. Act. The counsel for the petitioners has produced the order of this Court granting bail to them in that case as per order in B.A.No.2102 of 2015 dated 21.4.2015. So the pendency of that case is not a ground for denial of bail to the petitioners in this case. The incident is an aftermath to the incident occurred in the Kerala Legislative Assembly in connection with the presentation of the Budget by the Finance Minister which was opposed by the opposition party.

7. It is true that the other accused persons are yet to be identified and arrested. But that is not a ground for denying bail to the petitioners if their custody is not required in connection with the investigation. Considering the nature of the allegations and also considering the fact that it is the outcome of the political rivalry, this Court feels that bail can be granted to the petitioners with some stringent conditions. So,

the application is allowed with the following conditions:

i. The petitioners shall be released on bail on executing a bond for Rs.50,000/- with two solvent sureties for the like sum each to the satisfaction of the Judicial First Class Magistrate Court-III, Thiruvananthapuram.

ii. The petitioners shall appear before the investigating officer on the last Saturdays in every month between 9 a.m. and 10 a.m. till the final report is filed.

iii. The petitioners shall appear before the investigating officer for the purpose of interrogation as and when required in connection with the above crime in writing to do so till the final report is filed.

iv. The petitioners shall not intimidate or influence the witnesses.

v. The petitioners shall surrender their passports, if any, before the concerned magistrate court within one week from the date of their release or file an affidavit if they are not having any passport to that effect within that time.

vi. The petitioner shall not leave State of Kerala without getting prior permission from the Judicial First Class Magistrate

Court-III, Thiruvananthapuram or from the court to which the case will be committed for trial till the disposal of the case.

With the above conditions, this application is allowed.

Sd/-
K. RAMAKRISHNAN
JUDGE

Scl.