

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

Bail Appl..No. 3299 of 2015 ()

CRIME NO. 1069/2015 OF MATHILAKAM POLICE STATION,THRISSUR DISTRICT

PETITIONER(S)/ACCUSED NOS.2,3,4,5,6,7,8 AND 9 :

1. SIVANARAYANAN, AGED 46 YEARS,S/O.RAMAN,
THAIKOODATH HOUSE, TRIVENU DESAM, KOOLIMUTTAM VILLAGE.
2. DASAN, AGED 50 YEARS, S/O.KRISHNAN,
UNDEKATTIL VILLAGE, BHAJANAMADUM DESAM,
KOOLIMUTTAM VILLAGE.
3. BABURAJ, AGED 54 YEARS, S/O.AYYAPPAN,
KOCHIKKAPARAMBIL HOUSE, BHAJANAMADUM DESAM,
KOOLIMUTTAM VILLAGE
4. SUBIN, AGED 34 YEARS, S/O.ARUMUGHAN,
KOCHIKKAPARAMBIL HOUSE, BHAJANAMADUM DESAM,
KOOLIMUTTAM VILLAGE
5. VIJEESH, AGED 36 YEARS, S/O.VIJAYAN, RAMNATH HOUSE,
BHAJANAMADUM DESAM, KOOLIMUTTAM VILLAGE
6. NIDHIN, AGED 26 YEARS, S/O.PADMANABHAN,
NEDIYAMPARAMBIL HOUSE, POOKAYI DESAM,
KOOLIMUTTAM VILLAGE
7. RATHEESH, AGED 34 YEARS, S/O.BALAN,
THARAYIL HOUSE, PERINJANAM DESAM, PERINJANAM VILLAGE
8. SANTHOSH, AGED 40 YEARS, S/O.KUMARAN,
RAMNATH HOUSE, BHAJANAMADUM DESAM,
KOOLIMUTTAM VILLAGE.

**BY ADVS.SRI.RAAJESH S.SUBRAHMANIAN
SRI.V.R.RAJESH**

RESPONDENT/STATE :

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

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

K. HARILAL, J.

B.A. No.3299 of 2015

Dated this the 19th day of June, 2015

ORDER

The petitioners are accused Nos.2 to 9 in Crime No.1069 of 2015 of Mathilakam Police Station, registered for the offences punishable under Secs.143, 147, 148, 341, 323, 324 and 307 read with Sec.149 of the Indian Penal Code. The allegation against the accused persons is that on 13/5/2015, at around 8 p.m., at Thriveni Junction, Mathilakam, accused persons, due to political animosity, formed themselves into an unlawful assembly and in prosecution of their common object, armed with rafters, attacked the de facto complainant. The 1st accused beat on the de facto complainant's head, the 3rd accused beat him

with stick on his body. It is further alleged that 2nd and 4th accused beat Amal and Arun Krishnan and 5th and 9th accused beat them with rafters and when another friend named Sulfi tried to obstruct the same, he was also alleged to have been beaten by the 3rd accused and thereby committed the offences alleged against them.

2. The learned counsel for the petitioners submits that the allegations, as against the petitioners, are false and concocted and that they are innocent of the offences alleged against them. They are falsely implicated in the above crime, due to political vendetta. Investigation of the case is almost over and the continued detention of the petitioners is not necessary. It is also submitted that they are ready and willing to co-operate with the investigation and they are also ready to abide by any condition to be imposed by this Court.

3. The learned Public Prosecutor, on instructions, submits that the petitioners were arrested on

14/5/2015 and the investigation is in progress. It is also submitted that if the petitioners are released on bail, that will adversely affect the law and order of that locality. The petitioners may tamper with the evidence and influence the witnesses acquainted with the facts and circumstances of this case.

4. Having regard to the submissions made at the Bar and the allegations levelled against the petitioners, I am of the opinion that bail can be granted to the petitioners on stringent conditions.

5. Consequently, this application is allowed on the following conditions:

(i) The petitioners shall be released on bail on their executing bonds for ₹50,000/- (Rupees Fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Judicial First Class Magistrate, Kodungallur.

(ii) The petitioners shall not

enter into the Revenue District of Thrissur for a period of one month from today.

(ii) The petitioners shall not involve in similar offences during the course of trial.

(iii) The petitioners shall report before the Investigating Officer on every Monday at 10 a.m. for a period of two months. Exemption is given to the petitioners to enter into Thrissur District for this purpose alone on that day. Thereafter, the petitioners shall report before the Investigating Officer as and when required by him.

(iv) The petitioners shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses acquainted with the facts and circumstances of this case.

If any of the conditions is violated, the bail granted to

the petitioners shall stand cancelled automatically and in that event, the learned Magistrate concerned, on being satisfied of the said fact, may take appropriate steps as are available to him in law.

Sd/-

(K. HARILAL, JUDGE)

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P.S. to Judge