

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 25TH DAY OF AUGUST 2015/3RD BHADRA, 1937

Bail Appl..No. 4884 of 2015 ()

CRMC 1422/2015 of SESSIONS COURT, TRIVANDRUM DATED 03-07-2015
Bail Appl. 4117/2015 of HIGH COURT OF KERALA DATED 17-07-2015
CRIME NO. 612/2015 OF MANGALAPURAM POLICE STATION,
THIRUVANANDAPURAM

PETITIONER(S)/ACCUSED 2,4 AND 5 :-

1. BABUKUTTAN @ RAJEESH S. AGED 37 YEARS
S/O.SASIDHARAN, RESIDING AT AMBIKA BHAVAN, PARAYIL
VALIKONAM, MANGALAPURAM, THONNAKKAL P.O.
THIRUVANANTHAPURAM DISTRICT.
2. SUMESH, AGED 30 YEARS
S/O.SUDARSHANAN, RESIDING AT CHARUVILA PUTHEN VEEDU
MANGALAPURAM, THONNAKKAL P.O.,
THIRUVANANTHAPURAM DISTRICT.
3. SHAMNAD, AGED 30 YEARS, S/O.SAIFUDEEN
RESIDING AT SUBINA COTTAGE, MANGALAPURAM
THONNAKKAL P.O, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.T.MADHU

RESPONDENT(S)/STATE :-

STATE OF KERALA THROUGH THE STATION HOUSE OFFICER
MANGALAPURAM POLICE STATION
THIRUVANANTHAPURAM DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

jvt

SUNIL THOMAS, J

B.A.No. 4884 of 2015

Dated this the 25th August, 2015

O R D E R

This application for anticipatory bail is filed by accused 2 to 5 in Crime No.6112/15 of Mangalapuram Police Station for the offences punishable under Sections 141, 147, 149, 151, 189, 447 294(b), 353 and 379 IPC. This is the second anticipatory bail application filed by the petitioners. The allegation of the prosecution is that on 20.6.2015 at about 8 p.m, the petitioners along with some other persons after forming themselves into an unlawful assembly, trespassed into the Police Station, attacked the Police personnel and abused them. It is alleged that in the above incident, the key of the Police jeep was also removed. It is further alleged that they thereby interfered with the discharge of official function of the Police.

2. Pursuant to the crime registered, the first accused, apprehending arrest, approached this Court, who was

granted anticipatory bail by order dated 27.7.2015 in B.A.No.4287 of 2015. It appears that prior to that, the petitioners herein had moved this Court for anticipatory bail, which was dismissed by order dated 17.7.2015. Learned counsel for the petitioners contended that in the light of the granting of bail to the first accused subsequently by this Court, it can be treated as a change of circumstance warranting consideration of the fresh anticipatory bail application submitted by the petitioners herein.

3. After hearing the learned Public Prosecutor and the learned counsel for the petitioners, I feel that there is substance in the contention of the learned counsel for the petitioners. The first accused stands on a slightly higher pedestal than the petitioners herein. Still this Court had already granted bail to the first accused. Hence, I feel that the anticipatory bail application submitted by the petitioners herein can be considered in that perspective. I feel that though the conduct of the petitioners

cannot be lightly seen, nor can be justified, still, a custodial interrogation is not warranted. Hence, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

- i) Petitioners shall appear before the Investigating Officer on 4.9.2015 between 10 a.m and 11 a.m and shall undergo interrogation. Thereafter, if they are proposed to be arrested, they shall be released on bail on their executing a bond for ₹40,000/- (Rupees forty thousand only) each with two sureties for the like sum each.
- ii) Petitioners shall appear before the Investigating Officer on all Tuesdays for a period of one month from the date of execution of the bond as above or till the final charge is laid, whichever is earlier.

- iii) Petitioners shall not get involved in any other identical offence. They shall also not interfere with the process of investigation, shall not threaten, intimidate or coerce the witnesses.

**SUNIL THOMAS
JUDGE**

vgs25/8/15