

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937**

**Bail Appl..No. 5020 of 2015**  
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**CRIME NO. 523/2015 OF IRITTY POLICE STATION , KANNUR DISTRICT**  
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**PETITIONER(S)/ACCUSED 1 TO 3 :**  
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- 1. AJAYAKUMAR O.B., AGED 52 YEARS,  
S/O.BALAKRISHNAN NAIR, RESIDING AT KURIYANNUR HOUSE,  
MANNOOR, P.O. KEEZHILLAM, ERNAKULAM.**
- 2. RAMAKRISHNAN.K.V., AGED 48 YEARS,  
S/O.S.K.RAMANAN, KIZHAKKEVEETIL HOUSE, ONAKUNNU P.O.,  
KARIVELLUR, KANNUR.**
- 3. SUGATHAN.T., AGED 57 YEARS,  
S/O.KUMARI, THAIYULLA VALAPPIL HOUSE, P.O.CHEMBALA,  
VALAKARA, KOZHIKODE.**

**BY ADVS.SRI.C.K.SAJEEV  
SRI.VINCENT JOSEPH**

**RESPONDENT(S)/STATE :**  
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**STATE OF KERALA,  
REPRESENTED BY PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM- 682 031.**

**BY SR.PUBLIC PROSECUTOR SRI.C.RASHEED**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

Msd.

**A.HARIPRASAD, J.**

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**B.A No.5020 of 2015**

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**Dated this the 23<sup>rd</sup> day of September, 2015.**

**ORDER**

Application for bail under Section 439 Cr.P.C.

2. Petitioners are accused Nos.1 to 3 in crime No.523/2015 of Iritty Police Station registered for offences punishable under Sections 143, 153 and 149 I.P.C and Section 10(a) (IV) 13(2) of the Unlawful Activities (Prevention) Act.

3. Prosecution case, in short, is that on 22-04-2015 at 15.10 hours, the petitioners along with other accused persons have unlawfully assembled near a bus stand with an intention to commit offences and shouted slogans supporting a banned organization and affixed posters showing sympathy to the organization. Thus, they intended to cause threat to the security of the nation and thereby indulged unlawful activities of a seditious nature.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. Learned counsel for the petitioners contended that the petitioners were arrested on 22-04-2015. Learned Public Prosecutor opposed the bail application contending that the first accused is involved in eight other crimes. Insofar as the petitioners 2 and 3 are concerned, they are not involved in any other crime. Considering the stage of investigation, the duration of custody and also reckoning the fact that the first petitioner is involved in various other crimes, I find no reason to grant bail to the first petitioner. Therefore, bail application of the first petitioner stands dismissed.

I find that bail can be granted to the petitioners 2 and 3 with following strict conditions :

1. The petitioners 2 and 3 shall be released on bail on executing a bond for Rs.1,00,000/- each (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Sessions Judge having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The

learned Sessions Judge need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

3. The petitioners 2 and 3 shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.
4. The petitioners 2 and 3 shall not indulge in any offence while on bail.
6. The petitioners 2 and 3 shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Sessions Judge is free to cancel bail without referring the matter to this Court.

Sd/-  
**A.HARIPRASAD,**  
**JUDGE.**

//True copy//

P.A to Judge