

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Bail Appl..No. 5072 of 2015 ()

CRIME NO. 363/2015 OF NILESHWAR POLICE STATION, KASARAGOD DISTRICT

PETITIONERS/ACCUSED NO.6 & 7 :

- 1. K.V.THAMBAN,
AGED 46 YEARS, S/O.SANKARAN T., ANKALARI HOUSE
PUTHARIYADUKKAM P.O., NILESHWAR, HOSDURG TALUK
KASARAGOD DISTRICT.**
- 2. BAIJU M.V.,
AGED 24 YEARS, S/O.K.V.GANGADHARAN, ANKALARI HOUSE
PUTHARIYADUKKAM P.O., NILESHWAR, HOSDURG TALUK
KASARAGOD DISTRICT.**

BY ADV. SRI.T.K.VIPINDAS

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM
REPRESENTING S.H.O.,
NILESHWAR POLICE STATION
KASARAGOD DISTRICT.**

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

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B.A.No.5072 of 2015

Dated this the 8th day of September, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are 6th and 7th accused in Crime No. 363 of 2015 of Nileshtar Police Station. They are involved in offences punishable under Sections 143, 145, 147, 341, 353 and 332 read with Section 149 of the Indian Penal Code and Section 3(1) of PDPP Act.

3. Prosecution case is that on 19.07.2017, at 6.30 p.m., petitioners along with other accused persons formed themselves into an unlawful assembly and in furtherance of their common object created a law and order situation on a public road. They manhandled the police party who came to the place for restoring peace. Petitioners pleaded innocence.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the names of these petitioners were not revealed at the initial stage.

Later, they are falsely implicated in the case.

6. Learned Public Prosecutor opposed the Bail Application contending that further investigation revealed the involvement of the petitioners in the crime and the police officers were attacked by a mob consisting of the petitioners as well. That apart, they destroyed a jeep belonging to the State.

Considering the nature of allegations and stage of investigation, I am not inclined to grant anticipatory bail to the petitioners.

They shall surrender before the Investigating Officer within a period of two weeks and submit themselves for interrogation. In that event, the petitioners shall be produced after interrogation, before the Magistrate having jurisdiction on the date of surrender itself. If that be so, the petitioner can move for bail before the court having jurisdiction and the learned Magistrate shall consider the application on merits as expeditiously as possible. If they do not surrender as above, the Investigating Officer is free to proceed in accordance with law.

Sd/-

**A. HARIPRASAD,
JUDGE**

DST

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P.A. To Judge