

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Bail Appl..No. 5094 of 2015 ()

CRIME NO. 151/2015 OF ELATHUR POLICE STATION, KOZHIKODE DISTRICT.

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PETITIONERS/ACCUSED:

- 1. SAJITH P., AGED 31 YEARS,
S/O.SASIDHARAN, PANTHAPILAKKAL HOUSE,
PATHENGALHAZHAM, MORIKKARA (PO),
KAKKODI, KOZHIKODE DISTRICT.**
- 2. JITHIN V., AGED 27 YEARS,
S/O.MANOJ KUMAR, VALAPPIL HOUSE, MANNODITHAZHAM,
MORIKKARA (PO), KAKKODI, KOZHIKODE DISTRICT.**
- 3. ATHUL N.P., AGED 19 YEARS,
S/O.BABU, NARIPARAMBATH HOUSE,
MORIKKARA (PO), KAKKODI, KOZHIKODE DISTRICT.**
- 4. ABHILASH P., AGED 20 YEARS,
S/O.LOHITHAKSHAN, PATHENGALHAZHAM,
MORIKKARA (PO), KAKKODI, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.P.V.KUNHIKRISHNAN,
SRI.P.V.ANOOP.**

RESPONDENTS/COMPLAINANT & STATE:

- 1. STATION HOUSE OFFICER,
ELATHUR POLICE STATION,
KOZHIKODE, PIN-673 303.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A No.5094 of 2015

Dated this the 29th day of September, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused Nos.3, 7, 8 and 10 in Crime No.151 of 2015 of Elathur Police Station registered for offences punishable under Sections 143, 147, 148, 448, 452 and 436 r/w Section 149 I.P.C.

3. Prosecution case, in short, is that on 12-03-2015 at about 1.15 p.m., the petitioners along with others, altogether 60 persons formed themselves into an unlawful assembly and with a common object, they trespassed into the house of the defacto complainant with deadly weapons. Thereafter, they destroyed the doors, windows etc. and set fire to the house causing a total loss of Rs.3.5 lakhs to the defacto complainant.

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

5. Learned Public Prosecutor opposed the bail

application. Learned counsel for the petitioners contended that going by the prosecution case it can be seen that there were two incidents. In the second incident, the case of setting fire to the house of the defacto complainant and causing damages arise. There is no mention about the involvement of the petitioners in the second incident. Learned counsel further submitted that the main accused in the case have been released on bail. Considering the stage of investigation and the complicity of the petitioners as alleged by the prosecution, following directions are made :

1. Petitioners shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, they shall be released on bail on executing a bond for Rs.50,000/- each (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to

establish their identity and solvency.

3. After releasing the petitioners on pre arrest bail, within a period of one week each one of them shall deposit Rs.6,000/- (Rupees six thousand only) before the learned Magistrate having jurisdiction.
4. Petitioners shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation in the matter.
5. Petitioners shall not influence or intimidate witnesses.
6. If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

amk

P.A to Judge