

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

Bail Appl..No. 5718 of 2015 ()

**CRIME NO. 1545/2015 OF KUNNAMKULAM POLICE STATION,
TRISSUR DISTRICT**

PETITIONERS/ACCUSED :

1. **SHERSHAD, AGED 21 YEARS
S/O.KUNHAHAMMED, PUTHIYEDATH HOUSE,
KIZHAKKUMURI P.O., KOZHIKODE.**
2. **MOHAMMED NADISH V.A., AGED 21 YEARS,
S/O. AHAMMED, VADAKKANAZHIYIL, ALUKKAL HOUSE,
PAINANNOOR P.O., VALANCHERRY, PIN-679571.**
3. **ABHILASH A., AGED 21 YEARS,
ALAPPULCKATTIL HOUSE, ELZHUVATHURUTHY,
THEYYANGAD P.O., PONNANI-679577.**
4. **MOHAMMED RASHID, AGED 20 YEARS,
KADEEJ MANZIL, MUTTAM P.O., VENGARA-670305
KANNOOR.**
5. **JISHNU, AGED 21 YEARS,
MAPPOYIL HOUSE, PUTHIYARA P.O., CALICUT-673004.**

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS/STATE AND COMPLAINANT :

1. **STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
2. **SUB INSPECTOR OF POLICE,
KUNNAMKULAM POLICE STATION, KUNNAMKULAM.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

A. HARIPRASAD, J.

B. A. No. 5718 of 2015

Dated this the 21st day of November, 2015

O R D E R

Application filed under Section 438 of the Code of Criminal Procedure.

2. The petitioners are the accused in Crime No.1545 of 2015 of Kunnamkulam Police Station registered for offences punishable under Sections 143, 147, 148, 452, 341, 353, 332, 323, 324, 354, 506(1) of the Indian Penal Code, 3(1) of the Prohibition of Destruction of Public Property Act 1984 and Sections 3 & 4 of Kerala Health Care Service Person and Health Care Service Institution (Prevention of Violence and Damage to the Property) Act 2012.

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

4. The prosecution case is that, on 21.08.2015, one of the students in Royal Engineering College, Kunnamkulam was attacked by other students and he filed a complaint before Erumapetty, Police Station. Erumapetty Police went in search of the accused named in the complaint and an untoward incident happened in the College. It is alleged that, the Police used force to apprehend the accused students and in that commotion one

student lost his life by falling into a well. The defacto complainant was admitted in the Government Hospital, Kunnamkulam. The petitioners allegedly trespassed into the hospital and attacked the defacto complainant and other hospital staff and created a riotous scene in the hospital. It is also alleged that they committed an offence of outraging the modesty of women.

5. The learned counsel for the petitioners submitted that the allegation of offence under Section 354 IPC is absolutely baseless. The relevant portion of the case diary shows that, the accused persons restrained the women nurses from discharging their duties. *Prima facie* the offence under Section 354 IPC may not be attracted. But the fact remains that the accused persons trespassed into the hospital and committed rioting is evident from the CD statement. Further they have committed destruction of public property as well.

Considering the nature of allegations, I am of the view that, the petitioners are not entitled to pre-arrest bail. Hence the application is dismissed.

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

/true copy/

P. A. to Judge