

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 5792 of 2015 ()

CRIME NO. 908/2015 OF KODUMON POLICE STATION, PATHANAMTHITTA DISTRICT.

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PETITIONERS/ACCUSED NO.1 TO 4 AND 7 TO 10:

- 1. PRAKASH @ JAYAPRAKASH, AGED 32 YEARS,
S/O. KUTTAPPAN, MUNDAKKALTHEKKATHIL,
ANGADIKKAL NORTH P.O, ANGADIKKAL VILLAGE.**
- 2. GIREESH, AGED 22 YEARS,
S/O. KOCHUCHERUKKAN, KARIPPURATHU, AICKADU,
KODUMON P.O, PATHANAMTHITTA DISTRICT.**
- 3. SANTHILAN, AGED 33 YEARS,
S/O. RAGHAVAN, SANTHINILAYAM, AICKADU,
KODUMON P.O, PATHANAMTHITTA DISTRICT.**
- 4. VISHNUDEV, AGED 21 YEARS,
S/O. VAMADEVAN, CHATTAVANA, RANDAMKUTTY,
KODUMON, PATHANAMTHITTA DISTRICT.**
- 5. BIJO M.GEORGE, AGED 32 YEARS,
S/O. GEORGEKUTTY, KALLETH GEO VILLA, VAYALA P.O.,
EZHUMKULAM, PATHANAMTHITTA DISTRICT.**
- 6. LAJESH, AGED 30 YEARS,
S/O. JANARDHANAN, PULLERIKONATH, AICKADU,
KODUMON P.O, PATHANAMTHITTA DISTRICT.**
- 7. RAJKUMAR, AGED 32 YEARS,
S/O. JANARDHANAN, JIJU BHAVANAM,
ARUKALIKKAL WEST, VAYALA P.O,
EZHAMKULAM, PATHANAMTHITTA.**
- 8. RATHIN. D., AGED 29 YEARS,
S/O. DIVAKARAN, R.B. NIVAS,
ANGADIKKAL SOUTH P.O., KODUMON.**

**BY ADVS.SRI.K.SHAJ,
SRI.SAJJU.S.**

Bail Appl..No. 5792 of 2015

RESPONDENTS/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE,
KODUMON POLICE STATION,
KODUMON, PATHANAMTHITTA-689 645.**

BY PUBLIC PROSECUTOR SMT.MADHU BEN.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

RAJA VIJAYARAGHAVAN.V. J

B.A.5792 of 2015

Dated 15th October, 2015

ORDER

- 1.The petition is filed u/s 438 of the Code of Criminal Procedure.
- 2.The petitioners herein are accused Nos.1 to 4 and 7 to 10 in crime No.908 of 2015 of Kodumon police station, Pathanamthitta District. The said crime has been registered against the petitioners and others for having committed offence punishable u/s 143, 144,146,147,148, 308 & 332 r/w S.149 of the IPC.
- 3.The allegation is that the accused persons, who are active members of the DYFI, formed themselves into an unlawful assembly and conducted a march to Kodumon junction on 9.7.2015 to protest high handedness of the police. It is the further allegation that accused voluntarily caused hurt to the 1st informant who is the

Additional Sub Inspector of police, Kodumon police station, and deterred him from discharging his official duty.

4.I have heard the learned counsel appearing for the petitioners as well as the learned Public Prosecutor.

5.The learned counsel for the petitioners submits that the petitioners are totally innocent and the earliest records reveal that no person was specifically named. They have been implicated only because of the fact that they are members of a particular political party.

6.The learned Public Prosecutor, on the other hand, vehemently opposed the application for anticipatory bail and submitted that the relief of anticipatory bail may not be granted in a case of this nature where an Officer of the Police Department has sustained serious injuries on his head while maintaining law and order.

7.After considering the facts and circumstances, I am of

the considered view that this is not a fit case in which extraordinary relief of anticipatory bail can be granted to the petitioners.

8.If so advised , the petitioners may surrender before the Investigating Officer within a period of '15 days' from today and submit themselves for interrogation. The Investigating Officer shall produce them before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioners are free to move for bail before the learned Magistrate in which event, the learned Magistrate shall consider their application on merits in an expeditious manner, preferably on the date of surrender itself .

The Bail application is disposed of as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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P.S. To Judge