

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Bail Appl..No. 5876 of 2015

CRIME NO. 907/2015 OF VEEYAPURAM POLICE STATION, ALAPPUZHA
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PETITIONER(S)/ACCUSED 1, 2, 3, 6 AND 7:

1. RENJITH, AGED 26 YEARS,
S/O. KRISHNAN, CHEMBAKAPADEETATHIL, AYAPARAMB P.O.,
CHERUTHANA VILLAGE.
2. SARATH S., AGED 24 YEARS,
S/O. SISUPALAN, KOPPARAPADEETATHIL, CHERUTHANA SOUTH,
AYAPARAMBU P.O.
3. UNNIKRISHNAN C., AGED 27 YEARS,
S/O. CHANDRAN, MUTHIRTHARAYIL, CHERUTHANA SOUTH,
AYAPARAMBU P.O.
4. RAJEEV P., AGED 26 YEARS,
S/O. PONNAPPAN, PATTANAKATTIL, CHERUTHANA SOUTH,
AYAPARAMBU P.O.
5. LOCHANAN M.C., AGED 25 YEARS,
S/O. CHELLAPPAN, KANYETHRAYIL, CHERUTHANA SOUTH,
AYAPARAMBU P.O.

BY ADVS.SRI.P.SREEKUMAR
SRI.SOORAJ T.ELENJICKAL
SRI.K.NANDAKUMAR
SMT.V.A.HARITHA
SMT.MARY RESHMA GEORGE
SMT.P.M.MAZNA MANSOOR

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
VEEYAPURAM POLICE STATION THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.R.REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
01-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

A. HARIPRASAD, J.

Bail Appl. No.5876 of 2015

Dated this the 1st day of October 2015

ORDER

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.1,2,3,6 and 7 in Crime No.907 of 2015 of Veeyapuram Police station registered for the offences punishable under Secs.143, 147 and 332 read with Sec.149 of the Indian Penal Code and Sec.117(e) of the Kerala Police Act. The prosecution case is that on 29.08.2015, while a music program was going on, the petitioners formed themselves into an unlawful assembly and created ruckus. When the police officers tried to control the situation, the petitioners attacked the Police officers and assaulted them. They tore the uniform of a Police man and thereby prevented them from discharging their duty.

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

4. Learned counsel for the petitioner submitted that the Sub Inspector of Police man handled the persons

who were listening and enjoying the music. This was video graphed by one of the friends of the accused. Infuriated by this, the Police officers wanted to get the mobile phone and when that was not heeded to, they registered a false case. It is also contended that the mobile camera was recovered later and produced before the Magistrate's Court after erasing the illegal act committed by the Police officers.

Reckoning the entire facts and circumstances of the case and the nature of allegations, I am of the view that pre arrest bail can be granted to the petitioners with the following conditions.

1. The petitioners shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation.

2. In the event of arrest, the petitioners shall be released on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like

sum to the satisfaction of the investigating officer.

3. The petitioners shall appear before the Investigating Officer as and when directed for interrogation.

4. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/01/10/2015

P.A. To Judge