

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. 5912 of 2015 ()

**CRIME NO. 985/2015 OF KODAKARA POLICE STATION,
TRISSUR DISTRICT**

PETITIONERS/ACCUSED NOS. 1 TO 7:

- 1. PRASADAN @ PRASAD, AGED 45 YEARS,
S/O RAMAKRISHNAN, PULIKKAPARAMBIL HOUSE,
P.O. MANAKKULANGARA, KODAKARA VILLAGE, CHALAKKUDY**
- 2. NAIJO, AGED 40 YEARS,
S/O. VARGHESE, KACHAPPILLY HOUSE, KODAKARA P.O.,
KODAKARA VILLAGE, CHALAKKUDY**
- 3. AFSAL, AGED 28 YEARS,
S/O ALI, VALIYAKATH HOUSE, KAVUMTHARA HOUSE,
KODAKARA VILLAGE, CHALAKUDY**
- 4. BABU, AGED 43 YEARS,
S/O PAILI, CHETHALAN HOUSE, VALLAPADY DESOM,
KODAKARA VILLAGE , CHALAKUDY**
- 5. BAIJU, AGED 35 YEARS,
S/O MATHEW, KALLIYATHAPARAMBIL HOUSE,
PULAPARAKUNNU DESOM , ALOOR**
- 6. JAYESH, AGED 26 YEARS,
S/O KUTTAPPAN, PADINJARAKUNNATH HOUSE
KARUNTHARA DESOM, KODAKARA VILLAGE , CHALAKUDY**
- 7. LIBEESH, AGED 28 YEARS,
S/O SUBRAN, PARAPPULLI HOUSE, MANAKULANGARA DESOM
KODAKARA VILLAGE, CHALAKUDY**

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.THOMAS J.ANAKKALLUNKAL
SRI.VIPIN NARAYAN**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**

BY ADGP SRI. K.I. ABDUL RASHEED

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

A.HARIPRASAD, J.

B.A.No.5912 of 2015

Dated this the 1st day of October, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1 to 7 in Crime No.985 of 2015 of Kodakara Police Station registered for the offences punishable under Sections 143, 144, 147, 148, 188, 323, 333 and 307 of the Indian Penal Code.

3. Prosecution allegation against the accused is that the petitioners along with other accused persons, who are sympathizers of a political party, formed themselves into an unlawful assembly, armed with deadly weapons like lathi and wooden sticks, conducted a procession. The procession was taken out at a time when there was tension prevailing in the area in connection with the murder of a person, who belonged to another political party. It is further alleged that the accused persons with their unlawful object of attacking the Policemen on law and order duty, beat them with a lathi

and one Policeman sustained severe injuries including head injury.

4. Heard the learned Senior counsel for the petitioners and the learned ADGP. A1 and A2 surrendered on 02.09.2015 and other accused persons were arrested on 29.08.2015.

5. Learned ADGP opposed the bail application and contended that the procession took out by the accused persons was without any sanction. Further, the Policeman on duty were brutally attacked by using club causing serious injuries to him. Breach of peace in the area, if the petitioners are released on bail, cannot be ruled out.

6. Learned Senior counsel for the petitioners submitted that the petitioners are local party workers and they do not have any criminal antecedents.

7. Considering the stage of investigation and number of days undergone in custody, I am inclined to grant bail to the petitioners with the following conditions:

- (a) Each of the petitioners shall be released on bail on their executing a bond for ₹50,000/-

(Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the learned magistrate having jurisdiction.

- (b) The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioners shall appear before the Dy.S.P., Chalakkudy on all Mondays and Thursdays between 09.00 a.m and 10.00 a.m. until the final report is filed.
- (d) The petitioners shall not enter the local limits of Kodakara Police Station for a period of three months except for the purpose of attending the court.
- (e) The petitioners shall not intimidate or attempt to influence the witnesses.
- (f) The petitioners shall not in any manner

interfere or meddle with the investigation.

- (g) Petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-

A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge