

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

Bail Appl..No. 5917 of 2015 ()

CRIME NO. 1262/2015 OF PUDUKKAD POLICE STATION, TRISSUR DISTRICT

PETITIONERS/ACCUSED :

1. SUDHEESH, AGED 32 YEARS
S/O.MOHANAN, KOODAPPARAMBIL HOUSE, MOOTHATHIKKARA
PARAPOOKKARA, THRISSUR DISTRICT.
2. SUBHASH, AGED 41 YEARS
S/O.VELAYUDHAN, KOTTUVALA HOUSE, MOOTHATHIKKARA
PARAPOOKKARA, THRISSUR DISTRICT.
3. MAYOOKH, AGED 20
S/O.CHANDRAN, AINAPPILLY HOUSE, MOOTHATHIKKARA
PARAPOOKKARA, THRISSUR DISTRICT.
4. RAHUL, AGED 21 YEARS
S/O.RAMACHANDRAN, KANDANGAVIL HOUSE, NANDIKARA
THRISSUR DISTRICT.

**BY ADVS.SRI.KRISHNADAS P. NAIR
SRI.K.R.RAMESH
SMT.B.SABITHA (DESOM)**

RESPONDENT :

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

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

RAJA VIJAYARAGHAVAN V, J.

B.A.No. 5917 of 2015

Dated this the 16th day of October, 2015

O R D E R

This is an application for anticipatory bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioners are the accused Nos.1 to 4 in Crime No.1262/2015 of Pudukkad police station. The said crime has been registered for offence punishable under S.143, 147, 452, 341, 323, 294(b), and 506(i) r/w S.149 of IPC.

3. The prosecution allegation is that, owing to previous hostility towards the de facto complainant who is an activist of CPI(M), the accused who are party workers of the BJP formed themselves into an unlawful assembly on 17.08.2015 and trespassed into the house of the informant

and pushed his younger brother's daughter who was aged 10 years.

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

5. The learned counsel appearing for the petitioners has submitted that there was undue delay in setting the law in motion probalizing the fact that the registration of the crime is politically motivated. It is also contended that no injuries were sustained by any person which is also a pointer to the fact that the allegations are false.

6. After having considered the rival submissions, the nature and gravity of the allegations, the antecedents of the petitioners and the stage of investigation, I am of the considered view that anticipatory bail can be granted to the petitioners by imposing appropriate conditions.

In the result, this application is allowed, but subject to the following conditions:

i). The petitioners shall be released on bail after interrogation on their executing a bond for 25,000/- each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

ii). The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.

iii). The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

iv). The petitioners shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioners shall not commit any similar offence while on bail.

vi). The petitioners shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge