

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

Bail Appl..No. 6231 of 2015

**CRIME NO. 397/2015 OF VELLARIKKUNDU POLICE STATION,
KASARAGOD DISTRICT**

PETITIONER(S)/ACCUSED 1 TO 10 :

- 1. SUDHEESH K.M., AGED 26 YEARS,
S/O.MOHANAN, KUNNEL HOUSE, KONNAKKAD P.O.,
KONNAKKAD, MALOM VILLAGE, VELLARIKKUNDU TALUK,
KASARAGOD DISTRICT.**
- 2. RANJITH T.R., AGED 32 YEARS,
S/O.RAGHAVAN, THEKKEVEETIL, KONNAKKAD P.O.,
KONNAKKAD, MALOM VILLAGE, VELLARIKKUNDU TALUK,
KASARAGOD DISTRICT.**
- 3. JYOTHISH.P., AGED 22 YEARS,
S/O.BABY, PULLIKKAL (H), KONNAKKAD P.O.,
KONNAKKAD, MALOM VILLAGE, VELLARIKKUNDU TALUK
KASARAGOD DISTRICT.**
- 4. SHIVAPRASAD.S., AGED 23 YEARS,
S/O.K.B.SATHEESAN, KATTUPARAMBIL (H), KONNAKKAD P.O.,
KONNAKKAD, MALOM VILLAGE, VELLARIKKUNDU TALUK,
KASARAGOD DISTRICT.**
- 5. SURESH K.R., AGED 23 YEARS,
S/O.RAMACHANDRAN, KARAPPATH (H), KONNAKKAD P.O.,
KONNAKKAD, MALOM VILLAGE, VELLARIKKUNDU TALUK,
KASARAGOD DISTRICT.**
- 6. RAJESH.K.N., AGED 24 YEARS,
S/O.NARAYANAN, KARAPATH (H), KONNAKKAD P.O.,
KONNAKKAD, MALOM VILLAGE, VELLARIKKUNDU TALUK,
KASARAGOD DISTRICT.**
- 7. SUMESH.K.R., AGED 20 YEARS,
S/O.RAMACHANDRAN, KARAPATHY (H), KONNAKKAD P.O.,
KONNAKKAD, MALOM VILLAGE, VELLARIKKUNDU TALUK,
KASARAGOD DISTRICT.**

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8. **ANOOSH.P, AGED 19 YEARS,
S/O.DINESHAN, KATTAMPALLIL (H), KONNAKKAD P.O.,
KONNAKKAD, MALOM VILLAGE, VELLARIKKUNDU TALUK,
KASARAGOD DISTRICT.**
9. **SATHEESH.S., AGED 24 YEARS,
S/O.SAJEEVAN, PUNNAPOIKAYIL (H), KONNAKKAD,
MALOM VILLAGE, VELLARIKKUNDU TALUK,
KASARAGOD DISTRICT.**
10. **SUBEESH.B., AGED 20 YEARS,
S/O.BALAN, NELLIKKAT (H), KONNAKKAD,
MALOM VILLAGE, VELLARIKKUNDU TALUK,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.ARJUN SREEDHAR**

RESPONDENT(S)/COMPLAINANT & STATE :

1. **STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.**
2. **ST.GRIGORIOUS ORTHODOX CHURCH MALOM,
REPRESENTED BY ITS SECRETARY, E.J.MATHEW, S/O.JOSEPH,
AGED 63 YEARS, R/AT ELLIKKAL HOUSE, KOLINGAL P.O.,
MALOM (NATTAKKAL), MALOTH VILLAGE, VELLARIKKUNDU TALUK,
KASARAGOD DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA
R2 BY ADV. SRI.P.YADHU KUMAR**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A.No.6231 of 2015

Dated this the 13th day of October, 2015

O R D E R

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

2. Petitioners apprehend arrest in Crime No.397 of 2015 of Vellarikkundu Police Station registered for the offences punishable under Sections 143, 147, 148, 323, 427, 295(a), 294(b) and 354 r/w Section 149 of the Indian Penal Code.

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

4. Learned Public Prosecutor submitted that petitioners 1 to 4 and 9 are arrayed as accused Nos.1 to 4 and 8. Others are not made accused in the crime. Therefore, the application in respect of those petitioners who are not arrayed as accused, will stand dismissed.

5. Prosecution case, in short, is that on 28.08.2015 at about 17.30 hours, they trespassed into a Church compound and outraged the modesty of a lady. Further,

they damaged window panes of the Church, resulting in injury to the religious feeling of a sect.

6. Learned counsel for the petitioners submitted that the defacto complainant has sworn to a consent letter stating that he has no grievance against the petitioners.

7. Considering the nature of allegations the following directions are issued:

The petitioners 1 to 4 and 9 shall surrender before the Investigating Officer within a period of 'two weeks' 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 and in that event, the learned Magistrate may consider the application on merits if possible on the date of surrender itself.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge