

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

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

Bail Appl..No. 6325 of 2015 ()

CRIME NO. 1816/2015 OF KUNNAMKULAM POLICE STATION, THRISSUR DISTRICT.

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PETITIONERS/ACCUSED NO.1 TO 8:

- 1. JITHIN DAS, S/O.M.N. MANIKANDAN,
AGED 20 YEARS, MELEPPATTU HOUSE,
KATTAKAMPAL P.O, PIN-680 544,
THRISSUR DISTRICT.**
- 2. IRSHAD U.L., S/O.IBRAHIM U.M.,
AGED 19 YEARS, UNGUMTHARKKAL HOUSE,
KADAVALLUR, KADAVALLUR P.O.,
THRISSUR DISTRICT.**
- 3. SURJITH K.K., S/O.KOCHUKUTTAN K.A.,
AGED 20 YEARS, KURUPPATH VALAPPIL HOUSE,
PARAPPURAM, KADAVALLUR P.O.,
THRISSUR DISTRICT.**
- 4. LIMESH K.V., S/O.VELAYUDHAN K.K.,
AGED 18 YEARS, KANDAKKATTIL HOUSE,
KOKKUR P.O., MALAPPURAM DISTRICT.**
- 5. VINU P.PAVITHRAN, S/O.P.K. PAVITHRAN,
AGED 20 YEARS, GOLDSMITH HOUSE,
JERUSLEM, PAZHANJI P.O, THRISSUR DISTRICT.**
- 6. JINU BARATHAN, S/O. K.A. BARATHAN,
AGED 19 YEARS, KOLENCHERRY HOUSE,
OTTUPARA, KUMARANELLUR P.O.,
VADAKKANCHERRY, THRISSUR DISTRICT.**
- 7. MUHTHAR M.K., S/O. MUHAMMED,
AGED 18 YEARS, MANAMKANDATH HOUSE,
PERINGODE P.O, MATHUPALLY,
PALAKKAD DISTRICT.**

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**8. BARATH V.M., S/O.MOHANAN V.B.,
AGED 18 YEARS, VELATH HOUSE,
POMOOKUTHALA, PIN-679 574,
MALAPPURAM DISTRICT.**

BY ADV. SRI.I.V.PRAMOD.

RESPONDENT/COMPLAINANT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI -682 031.**

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

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

rs.

A.HARIPRASAD, J.

B.A No.6325 of 2015

Dated this the 15th day of October, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 7 in Crime No.1816 of 2015 of Kunnamkulam Police Station registered for offences punishable under Sections 143, 147, 332 ad 448 r/w Section 149 I.P.C and Section 3(1) of Prevention of Damage to Public Property Act, 1984 . 8th petitioner is not an accused in the crime. Therefore, his application stands dismissed.

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

4. Prosecution case, in short, is that on 29-09-2015 at about 1.45 p.m., the accused persons trespassed into the cabin of the Principal and caused damage to the cabin door, chairs etc. It is also contended that the first accused slapped the Principal with a diary and thereby committed the aforementioned

offences.

5. Learned counsel for the petitioners submitted that there was an altercation between students and their parents on one side and the college authorities on the other side. In that skirmish, some untoward incident had happened. Learned Public Prosecutor opposed the bail application contending that A1, A2, A4 and A5 are involved in other crimes. Considering the nature of crimes and the allegations, I am of the view that the petitioners are entitled to plead for pre-arrest bail under Section 438 of the Code of Criminal Procedure. Therefore, following directions are made :

1. Petitioners 1 to 7 shall surrender before the investigating officer within a period of one week from today and submit themselves for interrogation. In that event, the petitioners shall be released on bail on executing a bond for Rs.25,000/- each (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency.

3. Petitioners shall deposit a sum of Rs.3,000/- (Rupees three thousand only) before the learned Magistrate having jurisdiction within a period of one week from the date of execution of bond.
4. Petitioners shall appear before the Investigating Officer as and when directed.
5. Petitioners shall not influence or intimidate witnesses.

If any of the above conditions is violated by the petitioners,
the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A.HARIPRASAD,
JUDGE.
//True copy//

P.A to Judge

amk