

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937Q

Bail Appl..No. 6543 of 2015

CRIME NO. 389/2015 OF KUTTAMPUZHA POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED 1 & 2:

1. AKHIL, AGED 23 YEARS,
S/O.SHAJI, KOTTEPARAMBIL HOUSE, MAMALAKANDAMKARA,
KUTTAMPUZHA VILLAGE, KOTHAMANGALAM,
ERNAKULAM DISTRICT.
2. BIJESH, AGED 29 YEARS,
S/O.SAJU, KILYARA HOUSE, MAMALAKANDAMKARA,
KUTTAMPUZHA VILLAGE, KOTHAMANGALAM,
ERNAKULAM DISTRICT.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

RESPONDENT(S)/COMPLAINANT & STATE:

1. THE SUB INSPECTOR OF POLICE,
KUTTAMPUZHA POLICE STATION,
KUTTAMPUZHA, ERNAKULAM DISTRICT, PIN - 686 661.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A. HARIPRASAD, J.

Bail Appl. No.6543 of 2015

Dated this the 26th day of October 2015

O R D E R

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

2. Petitioners are accused nos.1 and 2 in Crime No.389 of 2015 of Kuttampuzha Police station registered for the offences punishable under Secs.447 and 427 read with Sec.34 of the Indian Penal Code and Sec.3(1) of the Prevention of Damage to Public Property Act. Prosecution case is that on 04.10.2015 at about 3.00 p.m., the petitioners trespassed into the compound of a Government school, destroyed the flag post and caused a loss to the tune of Rs.20,000/- (Rupees twenty thousand only) to the government.

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

4. Learned counsel for the petitioners submitted that the dispute was in connection with a cycle practice.

5. Learned Public Prosecutor opposed the bail

application. It is submitted that the 1st accused is involved in another crime wherein, SC/ST (Prevention of Atrocities) Act is involved and he is a person against whom the proceedings under 107 Cr.P.C. has been initiated.

Considering the antecedents of the petitioners I am of the view that the 1st petitioner is not entitled to get a pre arrest bail in this case. Hence, the bail application, as far as the 1st petitioner is concerned, is dismissed. As far as the 2nd petitioner is concerned, the following directions are issued.

i. In the event of arrest in Crime No.389 of 2015 of Kuttampuzha Police station, the 2nd petitioner herein shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

ii. He shall deposit Rs.10,000/- (Rupees ten thousand only) before the learned

Magistrate having jurisdiction within a period of one week from the date of his release on bail.

iii. He shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

iv. He shall not intimidate or attempt to influence the witnesses, nor shall he 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/26/10/2015

P.A. To Judge