

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 6652 of 2015

CRIME NO. 368/2015 OF ATHOLY POLICE STATION, KOZHIKODE
.....

PETITIONER(S)/ACCUSED:

1. ROHITRAJ T.S., AGED 20 YEARS,
S/O.SATHEESAN, THEKKEKOOMANTHARA, GOWREESWARAM,
CHIRAYI P.O., ERNAKULAM.
2. VISHNU V., AGED 19 YEARS,
S/O.VIJAYAN, USHAS HOUSE, NADUVILE MURI,
AMAYADI P.O., SOORANAD NORTH, KOLLAM.
3. ABIJITH V.R., AGED 20 YEARS,
S/O.AMBIKA T.K., VAZHEPARAMBIL HOUSE, PANANGAD,
KODUNGALLOOR, THRISSUR.
4. ARJUN.S.R., S/O.RAGHUNATHAN.A., AGED 19 YEARS,
'KAIRALI' HOUSE, EZHUVANGATE, ARIKKULAM.P.O., KOYILANDY.
5. ABISHEK J., AGED 19 YEARS,
S/O.JAYASREE.K, MANASA NILAYAM HOUSE, NADERI P.O.,
KOYILANDY, KOZHIKODE.
6. NOUFAL A., AGED 19 YEARS,
S/O.ABDUL NIZAR, MANNADISSERIYIL, ADIMADU SOUTH,
KATHIL KADAVU P.O., KARUNGAGAPPALLY.

**BY ADVS.SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SMT.R.BINDU**

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
ATHOLY POLICE STATION, KOZHIKODE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.

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* ADDITIONAL R2 IMPEADED

2. C.K.PRAVEENKUMAR, AGED 48, S/O.C.K.MUKUNDAN,
NIRMALYAM, (SREEPADAM), T.P.KUMARAN NAIR ROAD,
CHEVAYOOR, THONDAYAD, KOZHIKODE.

* ADDITIONAL R2 IMPEADED AS PER ORDER DTD.30.10.2015 IN IA.10303/15

R1 BY PUBLIC PROSECUTOR SMT.R.REMA
R2 BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

A.HARIPRASAD, J.

B.A No.6652 of 2015

Dated this the 30th day of September, 2015.

ORDER

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

2. Petitioners are accused in Crime No.368 of 2015 of Atholy Police Station registered for offences punishable under Sections 143, 147, 323, 324 , 341, 308, 294 b and 506 r/w Section 149 I.P.C and later 308 I.P.C is also added.

3. Prosecution case, in short, is that on 07-10-2015 at about 16.10 hours, the accused persons, who are students of BDS course in a college formed themselves into an unlawful assembly and attacked the defacto complainant by uttering abusive words. They slapped on his face and further they plucked his beard and also hit the defacto complainant with a granite piece.

4. Heard the learned counsel for the petitioners, learned counsel for the defacto complainant and the learned Public Prosecutor.

5. Learned counsel for the petitioners submitted that

Annexure A1 First Information Statement does not show any attack on the petitioners by using a granite piece as alleged. Further, his version that he was beaten black and blue and was in a state of unconsciousness is belied by his earlier statement.

6. Learned counsel for the defacto complainant submitted that the boy is having a fear complex to attend the college after the incident. Learned Public Prosecutor opposed the bail application contending that the atmosphere in the college is vitiated on account of this student extremism. Considering the nature of allegations and the materials placed before me, following directions are made :

1. Petitioners shall surrender before the investigating officer within a period of one week from today and submit themselves for interrogation. In that event, they 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. The learned Magistrate need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

3. One of the parents shall be an additional surety.
4. Petitioners shall appear before the Investigating Officer as and when directed.
5. Petitioners shall not influence or intimidate witnesses.
6. 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