

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 7039 of 2015 ()

CRIME NO. 1471/2015 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT.

PETITIONERS/ACCUSED NOS. 2 TO 4:

- 1. A. MANOHARAN, AGED 42 YEARS,
S/O.K. KUNHIRAMAN, ALUMADI HOUSE,
KANDOTH P.O., PIN- 670 307, PAYYANNUR,
KANNUR DISTRICT.**
- 2. K. HAREESH @ HAREESH KUMAR, AGED 43 YEARS,
S/O.LATE K.P.AMBU, BEDOOR, KUTHYATT HOUSE,
PERUMBATTAP.O., CHERUVATHOOR (VIA),
KASARAGOD DISTRICT- 671 313.**
- 3. MADHUSOODHANAN. K.V., AGED 44 YEARS,
S/O.LATE AMBU, K.P. NAGAR, PERINGOME POST,
PAYYANNUR (VIA), KANNUR DISTRICT- 670 307.**

**BY ADVS.SRI.M.SASINDRAN,
SRI.A.ARUNKUMAR.**

RESPONDENTS/COMPLAINANT & STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.1471 OF 2015 OF PAYYANNUR POLICE STATION),
KANNUR DISTRICT -670 001.**

BY PUBLIC PROSECUTOR SMT.TY. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.7039 of 2015

Dated this the 17th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 2 to 4 in Payyannur Police Station Crime No.1471 of 2015 registered alleging offences punishable under Sections 143, 147, 341, 323 and 452 read with Section 149 of the Indian Penal Code. They seek pre-arrest bail.

3. It is alleged that on 19.10.2015 at 10.15 p.m., the accused persons attacked the defaco complainant. Petitioners are workers of KSRTC. There is some dispute regarding consumption of alcohol from the premises of the KSRTC depot.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the only non-bailable offence is under Section 452 of the Indian Penal Code.

Petitioners being the workers of KSRTC cannot be said to have trespassed into the premises. Therefore, no non-bailable offence is made out against the petitioners. Hence the following orders:

i. In the event of arrest in Crime No.1471 of 2015 of Payyannur Police Station, petitioners shall be released on bail on each one of them executing a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. They shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

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