

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Bail Appl..No. 7157 of 2015 ()

CRIME NO. 400/2015 OF THALAPPUZHA POLICE STATION , WAYANAD DISTRICT

PETITIONER(S)/ACCUSED NOS.1, 2 AND 5 TO 17:

1. FAHEEM.M., S/O. MUHAMMED M., AGED 19 YEARS,
MANNARI HOUSE, THALAKULATHOOR, ANDIKKODE,
KOZHIKKODE DISTRICT.
2. ANU ASHOK, S/O. ASHOKAN, AGED 21 YEARS,
SUJATHA BHAVANAM, KANNANAKUZHI, CHARUMMOODU,
ALAPPUZHA DISTRICT.
3. AJIL JAMES, S/O.JAMES.M.T., AGED 20 YEARS,
MANIMALATHARAPPIL HOUSE, NAMPULLIPURA.P.O.,
PALAKKAD DISTRICT.
4. ANEES.H., S/O.HARIS.T.K., AGED 19 YEARS,
THONDIKANDI HOUSE, THIKKODI.P.O., KOZHIKKODE DISTRICT.
5. NIVEDH.P., S/O.VALSAN, AGED 19 YEARS, KARTHIKA,
CHOKLI, KANNUR DISTRICT.
6. AKHIL.P., AGED 19 YEARS, PARAKKA HOUSE,
KOTTAYIVALAPPIL, KUTTOOLI.P.O., KOZHIKKODE DISTRICT.
7. MUHAMMED SHIYAS.P.M., S/O. MEHABOOB.P.I., AGED 18 YEARS,
PUZHANGARA ILLATH HOUSE, THALIKKULAM.P.O.,
THRISSUR DISTRICT
8. ROBINSON LEON, S/O.LEON ALBERT, AGED 19 YEARS,
MANKATTU PUTHUVAL HOUSE, NEENDAKARA,
KOLLAM DISTRICT.
9. DANISH ALI.K., S/O.MUHAMMED.K., AGED 20 YEARS,
'THEJUS', THUVVAKKODE.P.O., CHEMANCHERY,
KOZHIKKODE DISTRICT.
10. MUHAMMED ARSHAK.A., S/O.ALI.A., AGED 19 YEARS,
AVATHIYIL HOUSE, PULASSERY, PATTAMBI, PALAKKAD DISTRICT.
11. ABHIN.K., S/O.SIVARAMAN, AGED 21 YEARS,
KUNNUMMAL HOUSE, CHAMAL.P.O., THAMARASSERY,
KOZHIKKODE DISTRICT

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12. ARUN.J.M., S/O.C.JOY, AGED 19 YEARS,
TC33/640, TITANIUM.P.O, THIRUVANANTHAPURAM.
13. ARIF ISMAIL.P., S/O.MUHAMMED ISMAIL, AGED 20 YEARS,
PULIKALATH HOUSE, NEDUVA.P.O., PARAPPANANGADI,
MALAPPURAM DISTRICT
14. AFSAL.M., S/O.KUNHALAN.M., AGED 21 YEARS,
MANAPPADAN HOUSE, THRIKKATTIRI.P.O., OTTAPPALAM,
PALAKKAD DISTRICT.
15. ARJUN.U.M., S/O.ULLAS KUMAR.P., AGED 20 YEARS,
ASWAMALIKA HOUSE, KORANGADUPARAMBA,
THAMARASSERY, KOZHIKKODE DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE & COMPLAINANT :

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031
2. THE SUB INSPECTOR OF POLICE, THALAPPUZHA POLICE STATION,
WAYNAD DISTRICT, PIN-670 644

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

sts

A.HARIPRASAD, J.

B.A.No.7157 of 2015

Dated this the 18th day of November, 2015

ORDER

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

2. Petitioners apprehend arrest in Crime No.400 of 2015 of Thalappuzha Police Station registered for the offences punishable under Sections 341, 323, 506(i), 355, 294(b) and 308 r/w Section 34 of the Indian Penal Code and Section 4 of the Kerala Prohibition of Ragging Act.

3. Prosecution case is that the petitioners, who are students in an Engineering College ragged junior students against the provisions of the Prohibition of Ragging Act. Further, some of the accused throttled another student and thereby they committed the offence under Section 308 IPC.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the petitioners are students and they are falsely implicated in the case at the whim and fancy of the defacto complainant. Defacto complainant is in the habit

of filing false complaints against the students, is the contention of the petitioners.

6. Learned Public Prosecutor opposed the bail application.

7. Considering the nature of allegations and the gravity of the offence, I am inclined to grant bail to the petitioners with the following conditions:

- (a) Petitioners shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on executing a bond for ₹25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on solvency certificate, but other documents can also be

perused to find out whether the sureties are solvent or not.

- (c) Apart from the above said two sureties, either of the parents of each petitioner shall be an additional surety for the said amount.
- (d) The petitioners shall appear before the Investigating Officer on all Saturdays between 09.00 a.m and 10.00 a.m. until the final report is filed.
- (e) The petitioners shall not enter the college premises except for the purpose of attending examinations as they are under suspensions.
- (f) The petitioners shall not intimidate or attempt to influence the witnesses.
- (g) The petitioners shall not in any manner interfere or meddle with the investigation.
- (g) The petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is not fulfilled or violated, bail granted hereby is liable to be cancelled for

which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge