

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

Bail Appl..No. 7608 of 2014 ()

CRIME NO. 870/2014 OF CHITTUR POLICE STATION , PALAKKAD

PETITIONERS/ACCUSED NO.2 TO 5:

1. SIVABALAKRISHNAN, AGED 42 YEARS
S/O.M.K.ARUMUGHAM, POST OFFICE STREET, MEENAKSHIPURAM.
2. KRISHNASWAMY, AGED 50 YEARS
S/O.RAKKIYAPPA KOUNDER, KARUPPUTHURAIAKKAD
MEENAKSHIPURAM.
3. SAHADEVAN, AGED 49 YEARS,
S/O.CHAMUNNI, MULLANTHODE, KANNIMARI.
4. SHAJI, AGED 39 YEARS
S/O.SHANMUGHAN, MULLANTHODE, KANNIMARI.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN

RESPONDENTS/STATE:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682031. (CRIME NO.870/2014 OF CHITTUR POLICE
STATION
PALAKKAD DISTRICT)
2. THE STATION HOUSE OFFICER,
CHITTUR POLICE STATION
PALAKKAD DISTRICT.(CRIME NO.870/2014 OF CHITTUR POLICE
STATION
PALAKKAD DISTRICT)

R BY PUBLIC PROSECUTOR SRI SURESH. N.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
29-05-2015 ALONG WITH B.A. NO. 7609 OF 2014, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

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B.A. Nos. 7608 & 7609 of 2014

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Dated this the 29th day of May, 2015

ORDER

These petitions are filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioners and the learned Public Prosecutor appearing for the respondents. C.D. Produced.

3. The petitioners in B.A. No.7608 of 2014 are accused 2 to 5 and the petitioner in B.A. No. 7609 of 2014 is the first accused in Crime No. 870 of 2014 of Chittoor Police Station. The offences alleged are under Sections 143, 147, 148, 452, 427 and 506 (ii) read with Section 149 of the Indian Penal Code. The allegation is that about 30 persons including the petitioners formed themselves into an unlawful assembly and in prosecution of their common object unleashed violence against the de facto complainant and

others causing injuries to them and also causing damages to the properties of a Co-operative Society while a meeting of the members of the Co-operative Society was going on, apart from other allegations. Learned counsel for the petitioners submits that the petitioners are innocent of the allegations raised against them. They have no criminal antecedents. The investigation of the case has progressed much. In fact, the de facto complainant and others formed themselves into an unlawful assembly and in prosecution of their common object unleashed violence against the petitioners causing injuries to some of them. Even though some of the petitioners had sustained injuries in the occurrence and complaint has been preferred before the police, the police did not register a case in respect of that matter. The medical documents produced along with the Bail Applications show that some of the petitioners had sustained injuries in the occurrence. Custodial interrogation of the petitioners is not required in this case. He further

submits that the petitioners apprehend arrest by the police at any time.

4. The learned Public Prosecutor has opposed these petitions. The Case Diary shows that the investigation of the case has progressed much. The learned Public Prosecutor did not dispute the submission of the learned counsel for the petitioners that the de facto complainant and others did not sustain any serious injuries. On considering the facts and circumstances and the stage of the investigation and also there is reason to believe that some of the petitioners sustained injuries in the occurrence, this Court is of the view that the petitioners can be granted anticipatory bail imposing appropriate conditions.

Therefore, the petitioners are granted anticipatory bail subject to the following conditions:

- 1) The petitioners shall surrender before the Investigating Officer on or before 6.6.2015. In the event of their arrest, they shall be released on bail on their executing bonds for Rs. 25,000/- (Rupees twenty five thousand) each with two solvent sureties each for the like sum to the

satisfaction of the Investigating Officer.

2) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

3) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

4) The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

5) The petitioners shall not commit any similar offence while on bail.

6) The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court.

These applications are allowed as above.

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**

ks.

True copy

P.S. (Hr.Gr.)To Judge

