

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Bail Appl..No. 7661 of 2014 ()

CRIME NO. 488/2014 OF MARAYAMUTTAM POLICE STATION , THIRUVANANTHAPURAM

PETITIONERS/PETITIONERS/ACCUSED 5 TO 12:

1. GIREESH KUMAR, AGED 48 YEARS
S/O.SREEDHRANA PILLAI
KANAYIKONATHU ROADAIKATHU VEEDU, ANAVOOR
NEYATTINKARA, THIRUVANANTHAPURAM
2. SAJI KUMAR A S, AGED 39 YEARS
S/O. C APPUKUTTAN NAIR, ILAGAM VACHE VILA VEEDU
MANAVARI, ANVOOR PO, NEYATTINKARA
3. VIJAYAKUMAR, AGED 43 YEARS
S/O.SATYADAS, AJITH BHAVAN, MANAVARI
ANAVOOR PO, NEYATTINKARA
4. SHINU VS, AGED 35 YEARS
S/O.VASAVAN, LAKSHMI BHAVAN, KORANAMCODE
ANAVOOR, THIRUVANANTHAPURAM
5. R SREEJITH, AGED 32 YEARS
S/O.RAJENDRAN NAIR, SREE SREE BHAVAN, THOTTATHU
MANAVARI, ANAVOORPO
6. APPUKUTTAN G, AGED 43 YEARS
S/O. GOPALAN, SARO BHAVAN, MANAVARI ANAVOOR PO
THIRUVANANTHAPURAM
7. ASOKAN, AGED 55 YEARS
S/O.SOMAN, KALA BHAVAN, ANAVOOR
NEYATTINKARA
8. SOMASEKHARAN D, AGED 50 YEARS
S/O.DAMODAR PANICKER, KARTHIKA, ANAVOOR
NEYATTINKARA

BY ADVS.SRI.SUMAN CHAKRAVARTHY
SRI.SANDEEP T.GEORGE

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR, SRI.R.GITHESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-06-2015,
ALONG WITH BAIL APPLICATION .7662/2014, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Bail Application Nos.7661 & 7662 of 2014 C

Dated this the 17th day of June 2015

ORDER

The petitioners are accused Nos.5 to 12 in Crime Nos.488 of 2014 and 489 of 2014 of Marayamuttom police station registered under Sections 143, 144, 147, 148, 341, 353 and 427 read with Section 149 of the I.P.C. and Section 3(i) of the PDPP Act, 1984.

2. The allegation of the prosecution can be briefly stated thus:- On 19.9.2014, there was a clash between two

rival political parties as one of the political parties called for a Harthal. The *defacto complainant* and party reached there in a police jeep and took accused Nos.2 and 4 into custody. Then the petitioners and the other accused formed themselves into an unlawful assembly and prevented the *defacto complainant* and party from taking the accused persons from there. They also caused damage to two police jeeps. One police jeep sustained damage to the tune of Rs.15,000/- and the other jeep sustained damage to the tune of Rs.6,720/-. The petitioners have filed this petition praying for the relief under Section 438 Cr.P.C.

3. Since two police jeeps sustained damage, two crimes had been registered by the Police, even though the incident is one and the same.

4. Heard.

5. The learned Public Prosecutor has opposed the application.

6. It has been fairly conceded by the learned Public Prosecutor that no criminal force was used by the petitioners and others against the *defacto complainant* and party while deterring them from doing their official duty. It has been submitted by the learned Public Prosecutor that the petitioners are not involved in any other offence of similar nature. Considering the facts and circumstances of the cases, including the fact that the petitioners are the first time offenders, an order under Section 438 Cr.P.C. in favour of the petitioners will be justified in these cases. In the said circumstances, I am inclined to allow these applications.

In the result, these applications stand allowed and the respondent is directed to release the petitioners on bail in the event of their arrest in Crime Nos.488 of 2014 and 489 of 2014 of Marayamuttom police station, on condition of each of the petitioners executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each, each for the like sum to the satisfaction of the Sub Inspector of Police, Marayamuttom Police Station, in each of the above crimes and subject to the following further conditions:

(i) Each of the petitioners shall deposit an amount of Rs.2,000/- (Rupees two thousand only) each in Crime No.488 of 2014 and Rs.1,000/- (Rupees one thousand only) each in Crime No.489 of 2014, before the Sub Inspector of Police,

Marayamuttom Police Station simultaneously at the time of surrender.

(ii) The petitioners shall not get involved in any offence during the pendency of these cases.

(iii) The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(iv) The petitioners shall report before the Investigating Officer on every Sunday between 9 a.m. and 11 a.m. for six months or till the filing of the respective final report, whichever is earlier.

(v) The petitioners shall not enter into the jurisdiction of Marayamuttom Police Station without the leave of the learned Magistrate for three months.

In the event of deposit of the amount by the petitioners as stated above, the Sub Inspector of Police shall deposit the said amount before the Magistrate Court concerned, on the date of deposit itself.

sd/

**B.SUDHEENDRA KUMAR,
JUDGE**

dl/-

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PA TO JUDGE