

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Bail Appl..No. 7795 of 2015

CRIME NO. 1403/2015 OF SOORANADU POLICE STATION, KOLLAM

PETITIONER(S)/ACCUSED 3 TO 7 & 9:

1. **SREEJESH, AGED 27 YEARS**
S/O.RAMACHANDRAN NAIR, CHANDRALAYAM, THENGAMAM P.O.
ADOOR.
2. **SUBILAL, AGED 21 YEARS,**
S/O.SURENDRAN, SUBILALAYAM, THOTTUVA,
ANAYADI P.O., ADOOR.
3. **AJUVIJAY, AGED 24 YEARS,**
S/O.VIJAYA KUMAR, VIJAYAGIRI, THENGAMAM P.O.
ADOOR.
4. **SAJEEV, AGED 22 YEARS, S/O.PANKAJASHAN,**
PANNITHARAYIL, THENGAMAM P.O., ADOOR.
5. **K.S.KANNAN, AGED 22 YEARS,**
S/O.SATHYAPALAN UNNITHAN, KUTTIYILTHARAYIL HOUSE,
THENGAMAM P.O., ADOOR.
6. **SUDEESH.R, AGED 22 YEARS,S/O.RAMESH,**
SUMESH NIVAS, THENGAMAM P.O., ADOOR.

BY ADVS.SRI.D.KISHORE
SRI.R.MURALEEKRISHNAN (MALAKKARA)
SMT.MINI GOPINATH

RESPONDENT(S)/STATE AND COMPLAINANT:

1. **STATE OF KERALA**
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 687 031.
2. **THE SUB INSPECTOR OF POLICE,**
SOORANADU POLICE STATION, KOLLAM DISTRICT 691 001.

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

A.HARIPRASAD, J.

B.A No.7795 of 2015

Dated this the 21st day of December, 2015.

ORDER

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

2. Petitioners are the accused Nos.3 to 7 and 9 in Crime No.1403 of 2015 of Sooranadu Police Station registered for offences punishable under Sections 143, 147, 148, 149, 294(b), 323, 324 and 452 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that on 17-10-2015, there was a scuffle between the members of two political parties with regard to the fixing of posters.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. Learned counsel for the petitioners submitted that as per order on B.A No.6840/2015 dated 04-11-2015, accused Nos.1 and 2 were released on pre-arrest bail. He further submitted that same yardstick may be applied in the case of these accused also. Learned Public Prosecutor opposed the bail application. She submitted that petitioners 1 to 3 (accused Nos.3 to 5) were involved in other

crimes. 3rd accused was involved in two crimes of grave nature and 4th and 5th accused were involved in one crime earlier with grave offences. Therefore, I am not inclined to grant pre-arrest bail to the petitioners 1 to 3 (accused Nos.3 to 5). Hence, their bail application will stand dismissed. In so far as other accused persons (petitioners 4 to 6) are concerned, there is no bad antecedents. Hence, bail is granted to them with following directions :

1. Petitioners 4 to 6 shall surrender before the investigating officer within a period of two weeks 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 Investigating Officer 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 Petitioners shall appear before the Investigating Officer on all Saturdays between 09.00 and 10.00 a.m until final report is filed.
4. Petitioners shall not influence or intimidate witnesses.
5. 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

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