

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. 7852 of 2015

CRIME NO. 1022/2015 OF MAYYIL POLICE STATION, KANNUR
.....

PETITIONER(S)/ACCUSED:

1. P.PRAKASAN @ EASWARAN PRAKASAN, AGED 35 YEARS,
S/O. RAGHAVAN, CAMERA MAN, ARAYAKANDI HOUSE,
KUTTIATTOOR AMSOM AND DESOM, P.O.KUTTIATTOOR,
KANNUR DISTRICT.
2. PANUGRAH, AGED 19 YEARS,
S/O. KRISHNAN, STUDENT, ARAYAKANDI HOUSE,
KUTTIATTOOR AMSOM AND DESOM, P.O.KUTTIATTOOR,
KANNUR DISTRICT.
3. K.K.JIMNESH, AGED 23 YEARS,
S/O. RAJA, ENGINEER, AYANATH HOUSE,
KUTTIATTOOR AMSOM AND DESOM, P.O.KUTTIATTOOR,
KANNUR DISTRICT.

**BY ADVS.SRI.GRASHIOUS KURIAKOSE (SR.)
SRI.GEORGE MATHEWS**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
STATION HOUSE OFFICER, MAYYIL POLICE STATION,
KANNUR DISTRICT, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

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

msv/

A. HARIPRASAD, J.

Bail Appl. No.7852 of 2015

Dated this the 21st day of December 2015

ORDER

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners are accused in Crime No.1022 of 2015 of Mayyil Police station registered for the offences punishable under Secs.143, 147, 148, 283, 447, 427, 324 and 308 read with Sec.149 of the Indian Penal Code and Sec.3 of the Explosive Substance Act, 1908. Prosecution allegation is that, on 07.11.2015 at about 21.20 hours, the petitioners along with other accused persons criminally trespassed into the compound of the house of the defacto complainant and hurled explosive substance causing damage to the window panes of the house and also injury to the defacto complainant.

3. Heard the learned Senior Counsel for the petitioners and the learned Public Prosecutor.

4. Learned Senior Counsel for the petitioners submitted that the defacto complainant was an accused in Crime No.448 of 2012 registered by the Mayyil Police.

The allegation therein was that the defacto complainant caused nuisance to a minor girl. Since the defacto complainant was a juvenile at that time, he was found guilty by the Juvenile Justice Board. All the petitioners being neighbours of the minor girl supported the case of the defacto complainant in the other case. Therefore, the defacto complainant has an axe to grind against the present petitioners.

5. Learned Public Prosecutor opposed the bail application. It is submitted that from the window panes, remnants of explosive substance have been taken and sent for analysis.

Considering the nature of allegations, I am not inclined to grant pre arrest bail to the petitioners. Therefore, following directions are issued.

The petitioners shall surrender before the Investigating Officer within a period of two weeks from today and submit themselves for interrogation. After questioning, the Investigating Officer shall produce the

petitioners before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioners are free to move for bail before the learned Magistrate and in that event, the learned Magistrate may consider the application on merits if possible on the date of surrender itself. If the petitioners do not surrender before the investigating officer as directed, the investigating officer is free to arrest them after the stipulated period.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/21/12/2015

P.A. To Judge