

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

Bail Appl..No. 8051 of 2015 ()

CRIME NO. 731/2015 OF IDUKKI POLICE STATION, IDUKKI DISTRICT.

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PETITIONER/2ND ACCUSED:

**SREEKUTTAN, AGED 21 YEARS,
PANTHAMAKKAL HOUSE, KULATHUREPRAYAR,
VELLAVOOR VILLAGE, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.SHAJI THOMAS,
SRI.BINU PAUL.**

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. SUB INSPECTOR OF POLICE,
IDUKKI POLICE STATION, IDUKKI - 685 602.**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 22-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K.RAMAKRISHNAN, J.

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B.A No. 8051 OF 2015

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Dated this the 22nd day of December, 2015

ORDER

This is an application filed by the second accused in Crime No.731/2015 of Idukki Police Station under Section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 7.12.2015 at 12 pm, at Government Engineering College, Idukki, the accused persons formed themselves in an unlawful assembly with deadly weapons with a common object of causing hurt to defacto complainant and to commit culpable homicide not amounting to murder and thereby all of them have committed offence punishable under Sections 143, 147, 294(b), 341, 506(ii), 323, 324, 326 and 308 r/w Section 149 of the Indian Penal Code.

3. The counsel for the petitioner submitted that petitioner has not committed any offence and he has been falsely implicated in the case due to political rivalry of different student union and he is in jail from 9.12.2015

onwards.

4. The application was opposed by the learned Public Prosecutor on the ground that the investigation is not over and others are yet to be arrested.

5. Heard both sides and perused the records.

6. It is seen from the records that the above crime was registered on the basis of the statement given by the defacto complainant as Crime No.731/2015 of Idukki Police Station alleging offences under Sections 143, 147, 294(b), 341, 506(ii), 323, 324, 326 and 308 r/w Section 149 of the Indian Penal Code against six persons including the petitioner.

7. It is seen from the allegation that the incident occurred due to some political rivalry between two rival political student union. The petitioner was arrested on 9.12.2015 and he is in jail from that day onwards. It is seen from the records that he has not used any weapon and even after the allegation, he was only part of the unlawful

assembly . The Prosecutor also submitted that he had no involved in any other crime of similar nature as well.

8. It is quite unfortunate that students involved in politics in the educational complex, in guise of the politics they are involving crimes without knowing the consequence of their act and impact of their act in their future life and also ignoring the hardship that their parents were undergoing to give better education to the children. However, considering the over-tact alleged against the petitioner and also considering the fact that the college is closed till February, 2016 due to some other reasons and there is no possibility of any further incident in the college and also considering the fact by this time the petitioner would have realised his mistake and try to reform himself and bestow his attention from his education, respecting the feelings of the parents and detaining him in jail for long periods may affect his career, this Court feels that bail can be granted with some conditions. So the application is

allowed with some conditions:-

(i). The petitioner shall be released on bail on executing of bond for Rs.50,000/- with two solvent sureties for the like sum each to the satisfaction of the Judicial First Class Magistrate Court-Idukki.

(ii). The petitioner shall appear before the investigating officer on the last Saturday of every month between 9 am to 10 am for a period of two months or till the final report is filed whichever is earlier.

(iii) The petitioner shall appear before the investigating officer for the purpose of interrogation in connection with the above crime as and when required the writing to do so till the final report is filed.

(iv) The petitioner shall not intimidate or influence the witnesses.

(v) The petitioner shall not involve any other criminal activities during the bail period.

(vi) The petitioner shall not leave the State of Kerala

without getting prior permission from the Judicial First Class Magistrate's Court– Idukki or from the court to which the case will be committed for trial till the disposal of the case.

With the above conditions the application is allowed.

K.RAMAKRISHNAN, JUDGE

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