

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

Bail Appl..No. 8499 of 2014 ()

CRIME NO. 480/2014 OF VELLAYIL POLICE STATION , KOZHIKODE DISTRICT

PETITIONER(S)/ACCUSED:

1. RAMACHANDRAN, AGED 51 YEARS,S/O.SUKUMARAN,
MUKAVAN KANDY HOUSE, PUTHIYAPPA P.O.,
PUTHIYANGADI, KOZHIKODE-673 021.
2. M.P.DHILJITH, S/O.ASHOKAN,AGED 37 YEARS,
MEDA PARAMBATH HOUSE, PUTHIYAPPA P.O.,
PUTHIYANGADI, KOZHIKODE - 673 021.
3. P.K.NARAYANAN, AGED 67 YEARS, S/O.KUNHIRAMAN,
PANCHARAKANDI HOUSE, PUTHIYAPPA P.O.,
PUTHIYANGADI, KOZHIKODE - 673 021
4. T.P.SANTHOSH, AGED 43 YEARS,S/O.BALAN,
THAZHATHE PEEDIKAYIL HOUSE, PUTHIYAPPA P.O.,
PUTHIYANGADI, KOZHIKODE-673 021.
5. VIJAYA RAJAN P.P, AGED 51 YEARS,
S/O.RAJAN, VINODINI BHAVAN, EDAKKAL P.O.,
PUTHIYANGADI, KOZHIKODE - 673 021.
6. SUKHILESH C.P, AGED 34 YEARS,S/O.SHANMUGHAN,
CHERIYA PURAYIL HOUSE, PUTHIYAPPA P.O.,
PUTHIYANGADI, KOZHIKODE-673 021.
7. PRASAD T.P, AGED 48 YEARS,S/O.KUTTIMON,
SRAMBI PARAMBIL HOUSE, P.O.WEST HILL,
KOZHIKODE - 673 005.
8. SHAJI C.P, AGED 41 YEARS,S/O.VELAYUDHAN,
CHETTI PARAMBATH HOUSE,PUTHIYAPPA P.O.,
PUTHIYANGADI, KOZHIKODE-673 021
9. SHYAMLAL.K, AGED 22 YEARS,S/O.SREEKUMAR,
KAYAKKALAKATH HOUSE, PUTHIYAPPA P.O.,
PUTHIYANGADI, KOZHIKODE -673 021.

BY ADV. SRI.PRAVEEN K. JOY

B.A.NO.8499/2014

RESPONDENT/STATE:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM. REP. BY S.I OF POLICE,
VELLAYIL POLICE STATION.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

B.A. No.8499 of 2014

Dated this the 5th day of January, 2015

O R D E R

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Petition under Section 438 Cr.P.C.

2. Petitioners 1 to 4, 6 and 8 are A1, A6, A2, A3, A7 and A4 respectively in Crime No.480/2014 of Vellayil Police Station registered for the offences punishable under Sections 141, 147, 332 and 506(i) Indian Penal Code read with 149 Indian Penal Code.

3. The allegation against the aforesaid accused is that they along with other accused on 4.11.2014 at 11.30 a.m. formed themselves into an unlawful assembly, committed rioting and approached the de facto complainant, who was the Assistant Executive Engineer of the Puthiyappa Fisheries Harbour at its Sub Division office, and criminally intimidated him and obstructed the discharge of his official duties. It is alleged that the 1<sup>st</sup> accused attempted to hit on his eye and the 7<sup>th</sup> petitioner twisted his hand.

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

5. The learned counsel for the petitioners has pointed out that the members of the Puthiyappa Fishermen and Boat Owners Association had staged a strike against the illegal mining conducted at the Harbour, which has resulted in the registration of the present crime.

6. It seems that the custodial interrogation of the petitioners is not required for the continued investigation of this case. No criminal antecedents have been reported against the petitioners. At the same time, it has not been so far ascertained whether the petitioners 5, 7 and 9 are accused in the crime. As far as the application by petitioners 5, 7 and 9 is concerned, the application is premature. At the same time, this Court is of the view that considering the facts and circumstances of the case and the present stage of investigation, this is a fit case wherein anticipatory bail can be granted to petitioners 1 to 4, 6 and 8.

6. In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is conducting the arrest of the petitioners 1 to 4, 6 and 8, is directed to enlarge the aforesaid petitioners on bail in the event

of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

- (i) The petitioners 1 to 4, 6 and 8 shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursday and Monday, commencing from 8.1.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.
- (ii) The petitioners 1 to 4, 6 and 8 shall not tamper with the evidence or influence witnesses.
- (iii) The petitioners 1 to 4, 6 and 8 shall make themselves available for interrogation as and when required by the investigating officer.
- (iv) The petitioners 1 to 4, 6 and 8 shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Bail application as far as the petitioners 5, 7 and 9 are concerned, is dismissed.

sd/-  
**B.KEMAL PASHA, JUDGE**

**ps/5/1/15**