

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Bail Appl..No. 8741 of 2014

CRIME NO. 975/2014 OF NADAPURAM POLICE STATION, KOZHIKODE DISTRICT.

PETITIONER(S)/ACCUSED:

1. K.P.PRADEESH, AGED 36 YEARS,
S/O.KELU NAIR, KINARULLAPARAMBATHU HOUSE,
KALLUNIRA P.O., VALAYAM, KOZHIKODU DISTRICT.
2. ANIL P.P, AGED 37 YEARS,
S/O.BALAN NAIR, POYILUPARAMBATHU HOUSE,
BHOOMIVATHUKKAL P.O., KOZHIKODU DISTRICT.
3. SREEJESH T, AGED 23 YEARS,
S/O.KANNAN, THIRUVANGOTH HOUSE,
VALAYAM, KOZHIKODU DISTRICT.
4. SHAIBESH, AGED 24 YEARS,
S/O.BALAN, MALAYIL HOUSE,
KALLACHI P.O, KOZHIKODU DISTRICT.
5. NIJESH, AGED 28 YEARS, S/O.NANU,
CHETTIKULANGARA HOUSE, VARIKKOLI P.O.,
KOZHIKODU DISTRICT.
6. SHANISH KUMAR, AGED 30 YEARS,
S/O.KUMARAN, THAIYULLATHIL VEETIL,
PARAKKADAVU P.O, KOZHIKODU DISTRICT.
7. MAHESH, AGED 33 YEARS,
S/O.KANNAN, KIZHAKKAYIL HOUSE,
PULIYAVU P.O., KOZHIKODU DISTRICT.
8. RAJESH, AGED 33 YEARS,
S/O.GOPALAKRISHNAN, CHAKKIYATH HOUSE,
PURAMELI P.O., KOZHIKODU DISTRICT.
9. ANOOP AGED 26 YEARS,
S/O.ASOKAN, PERIKKALATTU HOUSE,
PARAKKADAVU P.O, KOZHIKODU DISTRICT.

Bail Appl..No. 8741 of 2014

10. BABU, AGED 38 YEARS,
S/O.KANARAN, KONNARKANDIYIL HOUSE,
THOONERI P.O., KOZHIKODU DISTRICT.
11. BHAVILESH, AGED 34 YEARS,
S/O.BALAKRISHNAN,
PAKKICHIPARAMBATHU HOUSE,
CHELAKKADU P.O., KOZHIKODU DISTRICT.
12. VINU P, AGED 33 YEARS,
PAREMAL HOUSE, S/O.CHATHU,
PARAKKADAVU P.O, KOZHIKODU DISTRICT.
13. SURESH BABU, S/O.BALAN, AGED 30 YEARS,
VALIYAKOYILOTHU THAZHEKUDIYIL HOUSE,
KALLACHI P.O., KOZHIKODU DISTRICT.
14. SHAJU, AGED 39 YEARS,
S/O.KANNAN, KANIYAMKANDI HOUSE,
CHELAKKADU P.O, KOZHIKODU DISTRICT.
15. SUNEESH, AGED 32 YEARS,
S/O.POKKAN, KOYITTIKANDI HOUSE,
KAKKATTIL P.O., KOZHIKODU DISTRICT.

BY ADVS.SRI.K.S.ARUN KUMAR
SMT.RESMI THOMAS

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

B.KEMAL PASHA, J.

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B.A. No. 8741 of 2014

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Dated this the 11th day of February, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 15 in Crime No.975/2014 of Nadapuram Police Station, Kozhikode District, registered for the offences punishable under Sections 143, 147, 148, 283, 353 and 332 read with Section 149 IPC and Section 3(2) of the Prevention of Damages to Public Property Act.

3. The allegation against the petitioners and other accused is that on 27.11.2014, they along with 200 identifiable persons conducted a procession raising slogans and demanding legal action against the police officer who had protected the actual accused who had committed rape on a six year old girl at Dar-ul-Hudha School, Nadapuram. It is alleged that they deterred the police officers from the discharge of their official duty and caused damages for ₹1,000/- by breaking the tiles of the steps in the

veranda of the police station.

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

5. The learned Public Prosecutor has pointed out that A6, A8 and A12 who are petitioners 6, 8 and 12 were already arrested in the matter. Therefore, this petition, so far as the said petitioners are concerned, has become infructuous.

6. Regarding the other petitioners, it seems that there was a demonstration and a protest march against the illegal acts allegedly committed by a police officer. No specific overt acts are alleged against each of the petitioners. Considering the facts and circumstances of the case, and especially the absence of any criminal antecedents on their part, I am of the view that this is a fit case wherein anticipatory bail can be granted to petitioners A1 to A5, A7, A9 to A11 and A13 to A15.

7. 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, is directed to enlarge petitioners A1 to A5, A7, A9 to A11 and A13 to A15 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 said petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays, commencing from 18.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The said petitioners shall not tamper with the evidence or influence witnesses.

(iii) The said petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The said petitioners 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.

This Bail Application, as far as petitioners 6, 8 and 12 are concerned, stands dismissed as infructuous.

Sd/-
B.KEMAL PASHA, JUDGE

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P.A to Judge