

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

Crl.MC.No. 1794 of 2015 ()

**IN CMP 1560/2015 of J.M.F.C.,ALATHUR
CRIME NO. 162/2015 OF MANGALAM DAM POLICE STATION , PALAKKAD**

PETITIONER(S)/ACCUSED:

- 1. BIJU , S/O.MANI AGED 29 YEARS
KAVILUPARA AADIVASI COLONY, KARIMKAYAM, ALATHUR TALUK
PALAKKAD DISTRICT.**
- 2. JAYAN
S/O. GOPALAN, MULLAPILLI, KAVILUPARA KARIMKAYAM
ALATHUR TALUK, PALAKKAD DISTRICT.**
- 3. VASU
S/O. GOPALAN, MULLAPPILLI, KAVILUPARA KARIMKAYAM
ALATHUR TALUK, PALAKKAD DISTRICT.**
- 4. SASI
S/O. GOPALAN, MULLAPPILLI, KAVILUPARA KARIMKAYAM
ALATHUR TALUK, PALAKKAD DISTRICT**

BY ADV. SRI.BABY MATHEW

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. SUB INSPECTOR OF POLICE,
MANGALAM DAM POLICE STATION, PALAKKAD - 678 001.**

R BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1794 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I TRUE COPY OF THE FIR IN CRIME NO.162 DATED 26.2.2015

ANNEXURE II TRUE COPY OF THE ORDER IN C M P NO.1560/15 DATED 2.03.2015

ANNEXURE III TRUE COPY OF THE TIME PETITION DATED 2.03.2015

ANNEXURE IV TRUE COPY OF THE ORDER IN CMP NO.1579/2015

ANNEXURE V TRUE COPY OF THE F I R IN CRIME NO.176/2015 DATED 4.03.2015

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1794 of 2015

Dated this the 25th day of March, 2015.

O R D E R

The petitioners herein are the accused Nos. 2 to 5 in Crime No.162 of 2015 of the Mangalam Dam Police Station of Palakkad district, registered under Sections 143, 147, 148, 324 332, 342, 427, 452 r/w 149 of IPC and also under section 3 of the PDPP Act. They were granted bail by the learned Judicial First Class Magistrate, Alathur on certain conditions as per the order dated 2.3.2015 in Crl.M.P No.1560 of 2015. The petitioners are aggrieved by the condition No.5 directing them to deposit ₹ 7000/- each, in view of the damage allegedly caused by them to public property. The total amount of loss assessed during the proceeding is ₹ 7,000/-. In stead of apportioning the amount among the different accused, the learned Magistrate directed each of them to deposit Rs.7000/-. I find that the alleged condition requires interference appropriately. I am not inclined to set aside the condition as such, because the petitioners will have to deposit reasonably, in view of the loss assessed by the police. The Government has sustained a loss of not less than ₹ 7,000/-. I feel that ₹ 2,500/- each will be

reasonable and adequate.

In the result, this petition is allowed in part. The condition No.5 imposed by the court below as per the impugned order dated 2.3.2015 in Crl.M.P No.1560 of 2015 will stand modified to the effect that the petitioners shall deposit ₹ 2,500/- each in the court below. They are also granted time for one month to make such deposit. They are permitted to execute the bond as directed. In case of failure to deposit the amount within one month, the trial court will proceed to cancel the bail.

Sd/-

P.UBAID,
JUDGE

sab