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Cheran Vs. N.Nandakumar

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Court : Kerala

Decided On : Feb-14-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Cheran

Respondent : N.Nandakumar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE M.L.JOSEPH FRANCIS FRIDAY, THE14H DAY OF FEBRUARY201425TH MAGHA, 1935 Bail Appl..No. 889 of 2014 () ---------- CRIME NO. 34/2014 OF KUMILY POLICE STATION , IDUKKI PETITIONERS/ACCUSED: ---------- 1. N. SADANANDHAN, AGED51YEARS, S/O.NARAYANAN, PUTHENPURACKAL, MURICKADI P.O., KUMILY.

2. K.M.SIDIQ, AGED40YEARS, S/O.MARACKAR, KOLLAMPARAMBIL HOUSE, ATTAPPALLAM P.O., KUMILY3 SHAJI, AGED40YEARS, S/O.RADHAKRISHNAN, OLICKAL HOUSE, ATTAPPALLAM P.O., KUMILY4 SANOJ K SARASSAN, AGED37YEARS, S/O.SARASSAN, KOTHUMBUCHIRAYIL HOUSE, KUMILY P.O.

5. N.S.PRAJEESH, AGED34YEARS, S/O.SAHADEVAN, CHIRAYIL HOUSE, THKKADY P.O., KUMILY6 RAJEEV K.S., AGED29YEARS, S/O.SASI,

KANJIRAMATTATHIL, AMARAVATHY P.O., KUMILY7 ABY CHARLY, AGED42YEARS, S/O.CHARLIS, PANAVILA, MURICKADI P.O., KUMILY8 PRASAD M., AGED31YEARS, S/O.MONI, KUZHIVELIL HOUSE, ATTAPPALLAM P.O., KUMILY BY ADVS.SRI.THOMAS ABRAHAM SMT.MERCIAMMA MATHEW SRI.V.RENJITH KUMAR SRI.ASWIN.P.JOHN RESPONDENTS/COMPLAINANT: ---------- 1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA - 682 031.

2. SUB INSPECTOR OF POLICE, KUMILY POLICE STATION, IDUKKI DISTRICT - 685 509. R BY PUBLIC PROSECUTOR, SMT T LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1402-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: M.L. JOSEPH FRANCIS J., - Bail Application No. 889 of 2014 - Dated this the 14th day of February 2014

ORDER

This application for anticipatory bail is filed by the petitioners who are the accused in Crime No.34 of 2014 of Kumily Police Station on the file of Judicial First Class Magistrate Court, Peermade. The offences alleged are under Sections 143, 144, 147, 148, 353, 332, 224, 294(b) read with 149 of the Indian Penal Code and under Section 119(c), 39(1) read with 121(2) of Kerala Police Act 2011. The allegation against them is that they physically attacked the Police personnel while participating in a demonstration on 7.1.2014. The petitioners contend that the demonstration was against the Bail Application No. 889 of 2014 :2: custodial assault of a person who was taken into custody on 1.1.2014 and that the protest demonstration was peaceful and no untoward incident occurred, as alleged. They further contended that had any such incident occurred, the same would have definitely led to Police action, arrest etc., as the place of the alleged incident is in front of the Police station itself.

2. Heard both sides. The learned Public Prosecutor opposes the bail application. Considering the facts and circumstances of the case, I am of the view that the arrest and detention of the petitioners is not required for the purpose of the

investigation. Hence this bail application is allowed. It is hereby directed that in the event of arrest of the petitioners in connection with the above case, they shall be released on bail on executing bond for `25,000/- each with two sureties each for the like sum to the satisfaction of the officer effecting arrest. The petitioners are directed to appear before Bail Application No. 889 of 2014 :3: the Investigating Officer as and when required. It is made clear that if the petitioners surrender before the Judicial First Class Magistrate having jurisdiction, within 30 days from today, they shall be released on bail on executing bond for `25,000/- each with two sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate. In that case also, the petitioners are directed to appear before the Investigating Officer as and when required. Sd/ M. L. JOSEPH FRANCIS, (JUDGE) dl/ // TRUE COPY //

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