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Vijith Vs. State of Kerala

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Court : Kerala

Decided On : Jun-02-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Vijith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN MONDAY, THE2D DAY OF JUNE201412TH JYAISHTA, 1936 Bail Appl..No. 2722 of 2014 () ---------- CRIME NO. 227/2014 OF CHOKLI POLICE STATION , KANNUR ---------- PETITIONER(S)/ACCUSED1 4, 5, 6, 7, 12, 13, 14, 16, 17 :- ---------- 1. VIJITH, AGED23YEARS, S/O.BALAN, THEKKUMADATHILKOL, ANNIYARAM, PERINGATHUR, THALASSERY TALUK, KANNUR DISTRICT.

2. MAHESH, S/O.MADHAVAN, AGED30YEARS KAKKUZHI PARAMBATH PERINGATHUR, THALASERRY TALUK KANNUR DISTRICT.

3. SHIBIN, AGED22YEARS, S/O.CHANDRAN, KATTILPARAMBATHU, PERINGATHUR, THALASSERY, KANNUR DISTRICT.

4. SUDHI V.P., AGED31YEARS, S/O.KUMARAN, VALIYAPARAMBATHU VEEDU, ANNIYARAM, PERINGATHUR, THALASSERY TALUK, KANNUR

DISTRICT.

5. PRAKASHAN K.P., AGED36YEARS S/O.NARAYANAN, KAKKUZHIPARAMATH, PERINGATHUR THALASSERY, KANNUR DISTRICT.

6. MANOJ A.K., AGED36YEARS S/O.ANANTHAN, AKKARAMAL, ARUKUNNIYIL ANIYARAM, PERINGATHUR, THALASSERY TALUK KANNUR DISTRICT.

7. K.RAJEESH, AGED32YEARS, S/O.BALAN, KOMBERIYENDANVIDA, ANNIYARAM, PERIGATHUR, THALASSERY P.O., KANNUR DISTRICT.

8. G.P.LIJEESH, S/O.SASI, AGED26YEARS GURIKKALPARAMBATH, ANNIYARAM, PERINGATHUR THALASSERY TALUK, KANNUR DISTRICT.

9. ATUL DAS, AGED19YEARS S/O.BABU, VALIYAPARAMBATH, ANNIYARAM PERINGATHUR, THALASSERY P.O., KANNUR DISTRICT.

10. RAJESH T.M., AGED31YEARS S/O.KRISHNAN, THALAYIL MEETHAL, PERINGATHUR THALASSERY, KANNUR DISTRICT. BY ADVS.SRI.MILLU DANDAPANI SRI.PREMCHAND R.NAIR RESPONDENT(S)/COMPLAINANT :- ---------- STATE OF KERALA, REPRESENTED BY STATION HOUSE OFFICER CHOKLI POLICE STATION, THALASSERY, KANNUR DISTRICT REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA. BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0206- 2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: jvt N.K.BALAKRISHNAN, J.

---------- B.A. No.2722 of 2014 ---------- Dated this the 2nd day of June 2014

ORDER

Petitioners are accused Nos.1, 4, 5, 6, 7, 12, 13, 14, 16 and 17 in Crime No.227/2014 of Chokli Police Station, Kannur District. The offences alleged against them and other accused are punishable under Secs.143, 147, 148, 448, 506, 153A and 427 r/w 149 of IPC. Apprehending arrest, this petition is filed for

anticipatory bail.

2. It is alleged that on 9.3.2014 at 9.30 PM, the accused persons committed rioting with deadly weapons and trespassed into the premises of the Mosque and caused damage to the water pipe.

3. Learned counsel for the petitioners submits that there were clashes between two political parties. The other group belonging to the ruling front were already granted bail. It is stated that as against other group, Sec.153A was deliberately not added. But, as against these petitioners, that section was introduced due to political pressure. Learned counsel for the B.A. No.2722 of 2014 -:

2. :- petitioners further submits that the police officers were acting in a partisan manner because of the political pressure.

4. Considering all the aspects the following directions are issued: The petitioners shall surrender before the Investigating Officer within 10 days from today. After interrogation the accused shall be produced before the learned Magistrate. When applied for bail by the accused, the learned Magistrate will grant bail to the petitioners but on the following conditions: a. The accused shall execute a bond for 25,000/- (Rupees Twenty Five Thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate. If in case the Magistrate has any doubt about the genuineness or correctness of the tax receipts produced by the sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds of the sureties. b. The accused shall make themselves available for interrogation by the Investigating Officer and should appear before the Investigating Officer on alternate B.A. No.2722 of 2014 -:

3. :- Wednesdays between 9.30 AM to 11.30 AM until further orders. c. The accused shall produce their original passports before the learned jurisdictional Magistrate. If they are not having any valid passport, they should file an affidavit regarding the same before the Magistrate. d. The accused will also file affidavit that they will abide by all the conditions as mentioned above and that they will not commit any offence similar to the offence involved in this case and will not directly or indirectly make any inducement, threat or promise to any person acquainted

with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence. e. The accused shall not leave India without permission of the court. f. The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc. Sd/- N.K.BALAKRISHNAN, J UDGE. //True Copy// P.A. To Judge Jvt

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