

B.P.Pradeepkumar vs State of Kerala

B.P.Pradeepkumar vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1602174

Court : Kerala Orders

Decided On : Feb-23-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./1559/2021

Appellant : B.P.Pradeepkumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
TUESDAY, THE 23RD DAY OF FEBRUARY 2021 / 4TH PHALGUNA,
1942 CRIME NO.878/2020 OF Kasaragod Police Station , Kasargod
PETITIONER/S:

1 B.P.PRADEEPAKUMAR AGED 35 YEARS, CHEMANTHODE HOUSE
PARAKKALAYI, BELUR VILLAGE, KASARAGOD - 671531. 2
NIDHEESH , SON OF THAMBAN, AGED 35 YEARS KADAYANGAN
HOUSE, HOSDURG, KANHANGAD SOUTH - 671531. 3
SATHYANANDAN P.V. AGED 37 YEARS, K.K. NIVAS
ACHAMTHURUTH, CHERUVATHUR - 671351. 4 SHUHAIB BIN AGED

28 YEARS SHAHAMAS, PUNATHIL, SOUTH THRIKKARIPUR, UDUMBANTHALA - 671311. 5 MARTIN ABRAHAM, AGED 27 YEARS OTTAMAVUNKAL HOUSE, SANKARANPADY P.O., KARIVEDAKOM, KASARAGOD, PIN -671541. 6 RAJESH THAMBAN AGED 32 YEARS ECHIKKEL, MOUVENI, KOTTAMALA, WEST ELERI - 671314.

7 MARTIN GEORGE AGED 28 YEARS, VAZHAMPLACKAL HOUSE, CHULLI, BALAL, MALO - 671533. 8 ISMAIL M. AGED 34 YEARS, SON OF MUHAMMED HAJI, HOUSE NO.673, CHITHARI POST - 671316. 9 JOMON JOSE AGED 31 YEARS PARATHATTEL, KAKKOL, BALAL POST - 671533. 10 UNISE C.M. AGED 32 YEARS PIN -671541. 11 KARTHIKEYAM K.R. AGED 31 YEARS R HOUSE, PANNIKKUNNU, KALIYADUKKAM, PERIYE, PIN -671316. 12 NAVANEETH CHANDRAN AGED 24 YEARS NAVANEETHAM, PILICODE VAYAL, PILICODE POST, PIN -671310. 13 JANARDHANAN A. AGED 35 YEARS PULLUMALA HOUSE, KOORAMKARA, KANHIRADUKKAM, PERIYE, PIN -671531. 14 RATHEESH R. AGED 28 YEARS KATTUMADOM HOUSE, INIYA, PULLUR VILLAGE, PERIYE, PIN -671531. 15 MATHEW T. THOMAS AGED 24 YEARS, THEKKEKKUTTU HOUSE, UKKINADUKKA P.O., URBANGALA - 671552. 16 ABDUL MANAF AGED 38 YEARS AMBILADY HOUSE, THALANGARA VILLAGE & POST, PIN - 671121.

17 DEEPUKRISHNAN A. AGED 25 YEARS KELOTH VEEDU, VAIRAKODE, PULLUR P.O., PERIYE - 671531. 18 MUHMED SIRAJ B.H. AGED 31 YEARS PANDI HOUSE, ADOOR VILLAGE, PANDI P.O., KASARAGOD - 671543. BY ADV. SRI.S.JIJI RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682031. R1 BY SRI.SANTHOSH PETER SR PP OTHER PRESENT: THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23.02.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 23rd day of February 2021 This is the second application for anticipatory bail filed by the applicants under Section 438 of Cr.P.C.

2. The applicants are accused in Crime No.878/2020

of Kasaragod Police Station for having allegedly committed offences punishable under Sections 144, 145, 147, 148, 283 and 332 read with Section 149 IPC and under Section 3(1) of the The Prevention of Damage to Public Property Act (for short PDPP Act) and also under Section 4(2)(e) and 5 of the Kerala Epidemic Diseases Ordinance.

3. The prosecution case, in brief, is that on 09.09.2020 at about 11.45 AM, at a place called Parakkatta in Kudlu village, the applicants formed an unlawful assembly armed with deadly weapons and conducted a march to the Crime Branch Office violating the COVID-19 protocols and the guidelines issued. When the police party led by the Dy.S.P. attempted to stop them, the applicants and the other accused pelted stones at the police officers, as a result of which

several police officers, including the Dy.S.P. sustained injuries. They also committed mischief and destroyed public property by causing damage to the police jeep to the tune of Rs.10,000/- and thus committed the offence.

4. The applicants state that they are innocent and

the allegations are not true and that they have been implicated solely for political reasons and that no serious injuries were caused to the police officers as alleged and it is only during the pandemonium which ensued, that the Police officers sustained some minor injuries, which cannot be taken very seriously. Hence,

the applicants pray that they may be released on anticipatory bail.

5. Heard the learned counsel appearing for the applicants and the learned Public Prosecutor. Records perused.

6. The applicants had violated the COVID-19 protocol creating the possibility of a drastic spread of the COVID-19 epidemic. Without any provocation, the applicants had attacked the policemen on duty and

pelted them with stones causing injuries to the policemen, including the Dy.S.P. The Police personnel are doing their duty risking their lives during these pandemic times. Ignoring all this, the applicants had formed an unlawful assembly of 17 persons and attacked the policemen on duty, which is an unpardonable act and

the applicants are definitely not entitled to the exceptional remedy of anticipatory bail in such cases. The earlier bail application filed as B.A.No.6822/2020 was dismissed directing the applicant to surrender before the investigating officer. Under the above circumstances, the applicants are directed to surrender before the investigating officer within two weeks. After interrogation, in the event of their being arrested, they shall be produced before the jurisdictional court, where they are at liberty to apply for regular bail, which shall be considered and preferably disposed of by the jurisdictional court on the same day. Sd/- ASHOK MENON dkr
JUDGE

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com