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Nidheesh vs State of Kerala

Nidheesh vs State of Kerala

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Court : Kerala

Decided On : Dec-29-2020

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/4056/2020

Appellant : Nidheesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS TUESDAY, THE 29TH DAY OF DECEMBER 2020 / 8TH POUSHA, 1942 Crl.MC.No.4056 OF 2020(F) AGAINST THE ORDER IN CRL.MC 708/2020 OF SESSIONS COURT,THRISSUR CRIME NO.1018/2020 OF KUNNAMKULAM POLICE STATION, THRISSUR PETITIONERS/ACCUSED NOS.1 TO 22: 1 NIDHEESH AGED 28 YEARS, S/O.MURALI, ANEDATH HOUSE, CHEMMANTHATTA P.O., 2 VIGNESWARA PRASAD AGED 29 YEARS, S/O.MOHANAN, KONGATH HOUSE, PERUMBILAVU, 3 MAHESH AGED 32 YEARS, S/O.MANI, MAKANDATHIL HOUSE, THIPPILISSERY P.O., PERUMBILAVU, 4 VARGHESE AGED 51 YEARS, S/O.IYYAPPU,

KAKASSERY HOUSE, CHOWANNUR, 5 LIPIN K.MOHAN AGED 30 YEARS, S/O.MOHANAN, KURUNJOORINJALI HOUSE, KADANGODE, VELLARKAD, Crl.M.C. No.4056/20 -:2:- 6 JAIMON AGED 32 YEARS, S/O.JAISON, THOLATH HOUSE, KURUKANPARA, KUNNAMKULAM, 7 JERIN P.RAJU AGED 29 YEARS, S/O.RAJU, PULIKKOTTIL HOUSE, NEAR GIRLS HIGH SCHOOL, KUNNAMKULAM, 8 RANJITH AGED 34 YEARS, S/O.RADHAKRISHNAN, KANNETH HOUSE, AKKIKKAVU P.O., 9 MIDHUN BABU AGED 23 YEARS, S/O.BABU, KOLADY HOUSE, AKATHIYOOR P.O., PARAMPADAM, 10 SREERAG AGED 26 YEARS, S/O.SIVARAMAN, CHANNASERY HOUSE, VELLARKAD, KADANGODE, 11 ELJO AGED 28 YEARS, S/O.JOY, KIDANGAN, NEAR SENIOR GROUND, KUNNAMKULAM, 12 SALEEM AGED 38 YEARS, S/O.MOIDUTTY, MARAMPURATH HOUSE, ERUMAPETTY, THRISSUR DIST. 13 NAVEEN AGED 32 YEARS, S/O.CHUMMAR, CHUNGATH HOUSE, CHOWANNUR, Crl.M.C. No.4056/20 -:3:- 14 SYAMKUMAR P.K. AGED 34 YEARS, S/O.SATHYAN, ERATH HOUSE, KIZHOOR P.O., KUNNAMKULAM,

15 SHYAMKUMAR P.K. AGED 30 YEARS,S/O.KUMAR, PATHRAMANGALAM HOUSE, PATHRAMANGALAM, VELLARKKAD, THRISSUR DIST. 16 VINOJ V.V. AGED 47 YEARS, S/O.VASU, VALIYAPURAKKAL HOUSE, KIZHOOR P.O., KUNNAMKULAM, THRISSUR DIST.

17 THAMBI K.JOB AGED 28 YEARS, S/O.JOB, KURAMANKUZHI HOUSE, WEST MANGAD, 18 SUJITH AGED 24 YEARS, S/O.SURESH, VALIYAPARAMBIL HOUSE, KANIPAYOOR, CHOWANNUR, 19 JAMAL MARIKAR AGED 38 YEARS, S/O.ABUBAKAR, KANNAMTHARAYIL HOUSE, KARIKKAD, KUNNAMKULAM, 20 ROSHITH AGED 33 YEARS,S/O.RAVI, ODATT HOUSE, KAKKAD, KUNNAMKULAM, 21 GHANYASYAM AGED 19 YEARS,S/O.MANIKANDAN, KARIPOTHOUSE, THANDILAM VELLATTANJOOR, Crl.M.C. No.4056/20 -:4:- 22 FAROOK AGED 32 YEARS, S/O.MUHAMMED,

ORAVIL HOUSE, ANGADI P.O., PALAKKAD. BY ADV. SRI.M.R.SASITH RESPONDENT/STATE/RESPONDENT:

1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.

2 SUB INSPECTOR OF POLICE KUNANNAMKULAM, THRISSUR, PIN - 680503. SMT SREEJA V- PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.M.C. No.4056/20 -:5:-

ORDER

Dated this the 29th day of December, 2020 Petitioners challenge one of the conditions imposed by the learned Sessions Judge, Thrissur, while granting them anticipatory bail. They are aggrieved by the condition directing them to deposit Rs.1500/- each before the Judicial First Class Magistrate Court, Kunnamkulam towards the value equivalent to the loss allegedly caused to the public property. Petitioners are alleged to have committed offences under the Indian Penal Code, Kerala Epidemic Diseases Ordinance, 2020 and Section 3(1) of the Prevention of Damage to Public Property Act.

2. It is submitted by the learned counsel for the petitioners

that the value of the public property alleged to have been destroyed by them is only at the most Rs.300/-. However, imposition of Rs.1,500/- each is too onerous a condition for them to comply with, especially in the light of the present Covid-19 pandemic.

3. Taking note of the circumstances arising in the case, I

am of the view that, the questioned condition was imposed by Crl.M.C. No.4056/20 -:6:- the learned Sessions Judge taking note of the submission made by the learned counsel appearing for the petitioners in the court below and the same cannot be found fault with. However, taking note of the present Covid-19

pandemic, the direction to the petitioners to deposit an amount of Rs.1,500/- as a condition, can be modified by reducing it slightly. Accordingly, the amount of

Rs.1,500/- directed to be deposited by the petitioners in the order

dated 3.9.2020 in Crl.M.C. No.708 of 2020 on the files of the Sessions Court, Thrissur, shall stand reduced to Rs.1,000/-. All other conditions imposed by the learned Sessions Judge in Annexure A1 order shall remain as such. Crl.M.C. is disposed of as above. Sd/- BECHU KURIAN THOMAS JUDGE vps Crl.M.C. No.4056/20 -:7:- APPENDIX PETITIONER'S/S EXHIBITS: ANNEXURE A1 TRUE COPY OF THE ORDER IN CRL.M.C ANNEXURE A2 TRUE COPY ORDER IN CRL.MC NO.1740/2020 OF HON'BLE HIGH COURT. RESPONDENT'S/S' EXHIBITS: NIL

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