

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 06TH DAY OF MAY 2020 / 16TH VAISAKHA, 1942

B.A.TMP NO.95 OF 2020

(Crime No: 291 of 2020 of Quilandy Police Station Kozhikode District)

Petitioners/Accused 2, 3 8 & 10:-

1. Gokul, aged 21 years, S/o Haridas, residing at Pothanamalayil House, Chakkittapara P.O, Pillaperuvanna, Quilandy Taluk, Kozhikode District, Pin-673 526.
2. Ebin, aged 23 years, S/o Roy, residing at Narokunnummal House, Puttampoyil, Mennaniam P.O, Perambra, Quilandy Taluk, Kozhikode District, Pin-673 526.
3. Arjun, aged 27 years, S/o Balakrishnan, residing at Aramam House, Puttampoyil, Mennaniam P.O, Perambra, Quilandy Taluk, Kozhikode District, Pin-673 526.
4. Arun, aged 27 years, S/o Balakrishnan, residing at Kunnoth House, Changaroth P.O, Panthirikkara, Quilandy Taluk, Kozhikode District Pin-673 525.

By ADV.Sri.J.R.Prem Navaz

Respondents/State & Complainant:-

1. State of Kerala, Represented by the Public Prosecutor, High Court of Kerala, Ernakulum, Pin 682 031.
2. The Sub Inspector of Police, Quilandy Police Station Kozhikode District.

BY P.P.SRIAJITH MURALI & SANTHOSH PETER(SR)

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON
06.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

B.A.TMP No.95 of 2020

Dated this the 6th day of May, 2020

O R D E R

This Bail Application filed under Section 438 of Criminal Procedure Code was heard through Video Conference.

2. Petitioners are the accused Nos.2, 3, 8 and 10 in Crime No.291 of 2020 of Quilandy Police Station registered alleging offences punishable under Sections 143, 147, 148, 323, 324, 341, 506, 392, 394, 367 read with Section 149 of the Indian Penal Code.

3.The prosecution case is that on 18.03.2020, at 5.30 pm, accused Nos.1 to 4 wrongfully restrained the de facto complainant, abducted him in a car, assaulted him using iron rods and took him to a ground behind Perambra LULU Wedding Center. Further allegation is that when they reached near a ground, other accused namely accused Nos.5 to 10, joined them along with some other identifiable accused persons and

formed themselves in to an unlawful assembly and attacked the de facto complainant, snatched the mobile phone, money etc..

4.The learned Public Prosecutor opposed the bail application and submitted that very serious offences is alleged against accused No.1 to 4 and accused No.5 onwards also involved in this case.

5. The counsel for the petitioner submitted that the incident is not happened as alleged by the prosecution and they are innocent.

6. It is true that I cannot decide the correctness of the prosecution allegation at this stage. But it is the fact that the allegation against the accused Nos.1 to 4 is that they abducted the victim in a car and assaulted him using iron rods etc. Thereafter, accused Nos.5 to 10 joined with accused Nos. 1 to 4. Therefore, I think the bail application of accused Nos. 2 and 3 cannot be considered under Section 438 of the Cr.P.C. But, I think bail application filed on behalf of accused nos.8 and 10 can be allowed. In the result, the bail application filed by

petitioners Nos 1 and 2 are dismissed and the bail application of petitioners nos.3 and 4 are allowed.

Hence, this Bail Application filed by petitioners Nos.3 and 4 are allowed with the following directions:

1. The petitioners Nos. 3 and 4 shall appear before the Investigating Officer within ten days from today and shall undergo interrogation.

2. After interrogation, if the Investigating Officer propose to arrest the petitioners Nos. 3 and 4, they shall be released on bail on executing a bond for a sum of Rs,.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer concerned.

3. The petitioners Nos. 3 and 4 shall appear before the Investigating Officer as and when required. The petitioners Nos. 3 and 4 shall co-operate with the investigation and shall not threaten or attempt to influence the witnesses or tamper with the evidence.

4. The petitioners Nos. 3 and 4 shall strictly abide by the various guidelines issued by the State Government and Central Government with respect to keeping of social distancing in the wake of declared lock-down.

5. If any of the above conditions are violated by the petitioners Nos. 3 and 4, the jurisdictional Court can cancel the bail in accordance with law, even though the bail is granted by this Court.

Bail application of 1st and 2nd petitioners are dismissed.

P.V.KUNHIKRISHNAN, JUDGE

YKB