
(2011) 08 KL CK 0129

In the High Court Of Kerala

Case No : Bail Application No. 6446 of 2011

Manu R. and Benchamin Jose Jacob

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 09-08-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439

Kerala Public Ways (Restriction of Assemblies and Processions) Act, 2011 — Section 4

Penal Code, 1860 (IPC) — Section 143, 147, 148, 149, 332

Citation : (2011) 08 KL CK 0129

Hon'ble Judges : K.T. Sankaran, J

Bench : Single Bench

Advocate : T.P. Pradeep, for the Appellant; No Appearance, for the Respondent

Final Decision : Allowed

Judgement

K.T. Sankaran, J.—This is an application for bail u/s 439 of the Code of Criminal Procedure. The Petitioners are accused Nos. 2 and 6 in Crime No. 879 of 2011 of Thiruvalla Police Station, Pathanamthitta District.

2. The offences alleged against the Petitioners are under Sections 143, 147, 148, 149, 332 and 333 of the Indian Penal Code and Section 4 of Kerala Public Ways (Restriction of Assembly and Procession) Act, 2011.

3. The prosecution case is that on 21/06/2011, the accused persons led a protest march in front of Pushpagiri Medical College, Thiruvalla and they attacked the police personnel causing injuries to them. The Petitioners were arrested on 14/07/2011 and they were remanded to judicial custody.

4. The learned Counsel for the Petitioners submitted that the first Petitioner is a LL.B. Student and second Petitioner is a Post Graduate student and semester examinations of the first Petitioner are going on.

5. The learned Public Prosecutor submitted that he has not received instructions

in the matter. I have perused the F.I. Statement and the remand report dated 14/07/2011.

6. Taking into account the facts and circumstances of the case, the duration of the judicial custody undergone by the Petitioners, the nature of the offences and the present stage of investigation, I am of the view that bail can be granted to the Petitioners.

7. The Petitioners shall be released on bail on their executing bond for Rs. 25,000/- (Rupees Twenty five thousand only) with two solvent sureties for the like amount to the satisfaction of the Judicial Magistrate of the First Class, Thiruvalla, subject to the following conditions:

- A) The Petitioners shall report before the investigating officer between 9 A.M. and 11 A.M. on every Sunday, till the final report is filed or until further orders;
- B) The Petitioners shall appear before the investigating officer for interrogation as and when required;
- C) The Petitioners shall not try to influence the prosecution witnesses or tamper with the evidence.
- D) The Petitioners shall not commit any offence or indulge in any prejudicial activity while on bail.
- E) In case of breach of any of the conditions mentioned above, the bail shall be liable to be cancelled.

The Bail Application is allowed as above.