

(2018) 02 KL CK 0067
In the High Court Of Kerala
Case No : 627 of 2018

M.N. PRADEEP

APPELLANT

Vs

THE SUB INSPECTOR & ANR.

RESPONDENT

Date of Decision : 02-02-2018

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#) - Special powers of High Court or Court of Session regarding bail
[Indian Penal Code, 1860](#), [Section 427](#) - Mischief causing

Citation : (2018) 02 KL CK 0067

Hon'ble Judges : Raja Vijayaraghavan V

Bench : Single Bench

Advocate : K.V.RESHMI, AJITH MURALI

Final Decision : Allowed

Judgement

1. These petitions are filed under section 439 of the Code of Criminal Procedure.
2. The petitioner in B.A. No.627 of 2018 is the 1st accused and the petitioner in B.A. No.718 of 2018 is the 2nd accused in Crime No.19 of 2018 of the Ambalavayal Police Station registered alleging offences punishable under sections 427 of the IPC and under section 3(1) of the Prevention of Damages to Public Property Act, 1984.
3. The prosecution allegation is that on 18.1.2018, a music programme was organized by the Regional Agricultural Research Station at Ambalavayal in connection with "Pooppoli" festival. The allegation is that the petitioners herein along with the co-indictees went berserk during a musical programme and destroyed potted plants and other temporary structures and caused a loss to the tune of Rs.50,000/-.

4. The learned counsel appearing for the petitioners prays. It is submitted that they are innocent of the allegations. The learned Public Prosecutor

has opposed the said prayer. It is submitted that the petitioners herein have been identified as the miscreants in the course of investigation.

5. I have considered the submissions advanced and have gone through the case diary. It appears that the loss to the public property has been assessed at Rs.35,000/- after investigation.

6. Having regard to the nature and gravity of the allegations, the role attributed to the petitioners, the period of detention undergone by them and

the stage of investigation, I am of the considered view that the petitioners can now be enlarged on bail.

7. In the result, these petitions will stand allowed. However, it shall be subject to the following conditions:

1) The petitioners shall be released on bail on their executing a bond for Rs.50,000/-(Rupees Fifty thousand only) each with two solvent sureties

each for the like sum to the satisfaction of the court having jurisdiction. The petitioners shall deposit a sum of Rs.15,000/- (Rupees Fifteen

thousand only) each before the court below. The said amount shall be refunded if the petitioners are ultimately acquitted. Otherwise, the trial court

shall pass appropriate orders at the conclusion of trial.

2) The petitioners shall appear before the Investigating Officer on all Saturdays between 10 a.m. and 1 p.m., for 2 months or till final report is filed,

whichever is earlier.

3) The petitioners shall not intimidate or attempt to influence the witnesses; nor shall they tamper with the evidence.

4) The petitioners shall not commit any offence while on bail.

8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if

any, and pass appropriate orders in accordance with the law.