

(2021) 04 KL CK 0261

In the High Court Of Kerala

Case No : Bail Application No. 3280 Of 2021

Preeju P V And Ors

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 30-04-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Indian Penal Code, 1860 — Section 49, 143, 147, 148, 308, 323, 341, 427

Citation : (2021) 04 KL CK 0261

Hon'ble Judges : Kauser Edappagath, J

Bench : Single Bench

Advocate : P.K. Subhash, M.R. Dhanil

Final Decision : Allowed

Judgement

1. This is an application filed u/s 438 of Code of Criminal Procedure seeking pre-arrest bail.

2. The petitioners are the accused in Crime No.208/2021 of Chandra Police Station. The offences alleged are under Sections 143, 147, 148, 341, 323, 308, 427 r/w 49 of IPC.

3. The prosecution case in short is that on 6/4/2021 at 7.15 p.m., the petitioners along with 300 identifiable persons formed themselves into an unlawful

assembly and in prosecution of the common object of the same, assaulted the defacto complainant who is the UDF candidate in Thrikkarippur

Constituency and his two booth agents viz., Shuhaib and Vijayan with a weapon with intention to kill them and thereby committed the offence.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioners submitted that the petitioners are absolutely innocent and they have been falsely implicated in the present

case. He further submitted that there are no materials to connect the petitioners with the alleged crime and hence they are entitled to get bail. The

learned Public Prosecutor opposed the bail application. He contended that the alleged incident occurred as a part of the intentional criminal acts of the

petitioners and if they are released on bail at this stage, it would affect the course of investigation.

6. The case records would show that a mob consisting of more than 300 persons belonging to LDF attacked UDF candidate and UDF workers. No

specific overt act have been alleged against the petitioners. No serious injury has been sustained by the victims. The allegations are hardly sufficient to

attract the ingredients of S.308 of IPC. Considering the allegations levelled against the petitioners, their custodial interrogation does not appear to be

necessary. For all these reasons, the petitioners are entitled to pre-arrest bail on conditions.

In the result, the application is allowed on the following conditions:-

(i) The petitioners shall be released on bail in the event of their arrest on executing a bond for ` 1,00,000/- (Rupees One lakh only) each with two

solvent sureties for the like sum each to the satisfaction of the arresting officer/ investigating officer, as the case may be.

(ii) The petitioners shall fully co-operate with the investigation, including subjecting themselves to the deemed police custody for the purpose of

discovery, if any, as and when demanded.

(iii) The petitioners shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The

petitioners shall also appear before the investigating officer as and when required by him.

(iv) The petitioners shall not commit any offence of like nature while on bail.

(v) The petitioners shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or any other way try

to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The petitioners shall not leave State of Kerala without the permission of the trial Court.