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**(2021) 02 KL CK 0121**

**In the High Court Of Kerala**

**Case No : Bail Application No. 1325 Of 2021**

Shibu Vadakedath And Ors

APPELLANT

Vs

State Of Kerala

RESPONDENT

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**Date of Decision : 18-02-2021**

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 438

Indian Penal Code, 1860 — Section 143, 147, 148, 149, 323, 324, 326, 341

**Citation : (2021) 02 KL CK 0121**

**Hon'ble Judges : Ashok Menon, J**

**Bench : Single Bench**

**Advocate : Bonny Benny, Santhosh Peter**

**Final Decision : Allowed**

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## **Judgement**

1. This is an application for anticipatory bail under Section 438 of Cr.P.C.
2. The applicants are accused in Crime No.776/2020 of Chittarikkal Police Station for having allegedly committed the offences punishable under Sections 143, 147, 148, 341, 323 and 324 read with Section 149 of the Indian Penal Code. Subsequently, an offence under Section 326 has also been incorporated.
3. The prosecution case, in brief, is that on 16.12.2020 at about 5.30 PM the applicants, who were members of an unlawful assembly and in prosecution of the common object of the said unlawful assembly, they committed riot, armed with weapons, wrongfully restrained the de facto complainant and assaulted him causing grievous injury to him by fracturing his nasal bone, and thus, the applicants committed the offences.
4. The applicants state that the allegations are not true and that they are innocent and they have been implicated because of political rivalry. They are

willing to cooperate with the investigation and they do not have any criminal antecedents, and therefore, seek pre-arrest bail.

5. Heard the learned Counsel for the applicants and the learned Public Prosecutor.

6. The learned Public Prosecutor admits that the applicants do have no criminal antecedents. The applicants are willing to cooperate with the

investigation and the injuries sustained are not life-threatening. Hence, they are entitled to a pre-arrest bail.

In the result, the bail application is allowed and the applicants are directed to surrender before the investigating officer within two weeks. In the event

of their being arrested, after interrogation and recovery, if any, the applicants shall be released on bail on the execution of a bond for Rs.50,000/-

(Rupees fifty thousand only) each, with two solvent sureties for the like amount each, to the satisfaction of the investigating officer, and on the

following conditions:

(i) They shall not influence or intimidate witnesses or tamper with evidence;

(ii) They shall appear before the investigating officer as and when called for and shall cooperate with the investigation; and

(iii) During the bail period, they shall not get involved in any similar offences.

In case of breach of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court.