

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

FRIDAY, THE 29TH DAY OF DECEMBER 2023 / 8TH POUSHA, 1945

BAIL APPL. NO. 11223 OF 2023

CRIME NO.1367/2023 OF Mananthavady Police Station, Wayanad
AGAINST THE JUDGMENT DATED 07.12.2023 IN Bail Appl. 10384/2023 OF
HIGH COURT OF KERALA

PETITIONERS/A2, A3, A4, A5 & A7

- 1 KUTTAN @PRAJEESH,
AGED 50 YEARS
S/O PRABHAKARAN , PRABHANILAYAM HOUSE VEMOM
POST, MANANTHAVADT TALUK WAYANAD, PIN - 670645
- 2 SUNIL,
AGED 50 YEARS
S/O MUKUNDAN, CHEBATTA KUNNU HOUSE, ONDAYANGADY
VEMOM .P.O, MANANTHAVADY. WAYANAD, PIN - 670645
- 3 SASI,
AGED 52 YEARS
S/O POKKAN, CHEBATTAKUNNU HOUSE, ONDAYANGADY, VEMOM, POST
MANANTHAVADY, WAYANAD, PIN - 670645
- 4 SHINOJ,
AGED 45 YEARS
S/O MATHEW, PUTHUSSERYATH HOUSE, ONDAYANGADY, VEMOM
POST , MANANTHAVADY TALUK, WAYANAD, PIN - 670645
- 5 SUNIL KUMAR,
AGED 48 YEARS
S/O KUNJIRAMAN, CHAKKARAKANDY
HOUSE, ONDAYANGADY, MANANTHAVADY POST , WAYANAD, PIN -
670645
BY ADVS.
K.S.ARUN KUMAR
AMRUTHA K P
AMRUTHA P S
VIJAY SANKAR V.H.
SRUTHY UNNIKRISHNAN
JERIN JOSEPH
ARYA B. VENUGOPAL
ELDHO BABY

BAIL APPL. NO. 11223 OF 2023

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RESPONDENT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
PIN - 682031

SMT.T.V.NEEMA, SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
29.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.PRATHEEP KUMAR, J.

Bail Application No.11223 OF 2023

Dated this the 29th day of December, 2023

ORDER

This is an application for regular bail filed under Section 439 Cr.P.C by the persons 2 to 5 and 7 involved in Crime No.1367/2023 of Mananthavady Police Station. The offences alleged against the petitioners are under Sections 143, 341, 323, 324, 506 and 308 r/w 149 of Indian Penal Code, 1860.

2. The Prosecution case is that on 28.10.2023 at about 5 P.M, the accused persons seven (7) in numbers due to previous enmity formed themselves into an unlawful assembly armed with dangerous weapons at Edappady, Vemom Amsom, wrongfully restrained the defacto complainant and beat him with hands, soda bottle and stones and thereby he sustained injuries.

3. According to the learned counsel for the accused persons, this is a false case foisted against them and also that they are innocent.

4. On the other hand, the learned Public Prosecutor opposed the bail application. Further, according to her, as per the report filed by the IO, there is no criminal antecedence against the petitioners. However, in the order dated 07.12.2023, in B.A.No.10384/2023, it is mentioned that as against the 7th accused, there is criminal antecedents. The learned Public Prosecutor could not give the details of any such case against the 7th accused.

5. The petitioners are in custody since 11.12.2023. As per the report of the IO, there is no criminal antecedents against the petitioners. In the above circumstance, I am inclined to allow this application, subject to the following conditions :-

(i) The petitioners are released on bail on executing bond for Rs.50,000/- (fifty thousand only) each with two solvent sureties for the like sum to the satisfaction of the Court below.

(ii) The petitioners shall report before the Investigating Officer on every Tuesday between 10.00 am and 11.00 am till the final report is filed or till the end of January, 2024, whichever is earlier.

(iii) The petitioners shall co-operate with the investigation. They shall not intimidate or influence the witnesses or tamper with the evidence.

Sd/-

C.Pratheep Kumar
Judge

SAS

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APPENDIX OF BAIL APPL. 11223/2023

PETITIONER ANNEXURES

Annexure I	A TRUE COPY OF THE FIR DATED 28-10-23 IN CRIME NO;1367/2023 OF MANANTHAVADY POLICE STATION
Annexure II	A TRUE COPY OF THE ORDER DATED 13-12-23 IN CMP NO;4783/2023
Annexure III	A TRUE COPY OF THE ORDER DATED 07-12-2023 IN BAIL APPL.10384/2023 BEFORE HIGH COURT OF KERALA