

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

WEDNESDAY, THE 6<sup>TH</sup> DAY OF APRIL 2022 / 16TH CHAITHRA, 1944

BAIL APPL. NO. 2623 OF 2022

CRIME NO.656/2021 OF AYYAMPUZHA POLICE STATION, ERNAKULAM

DISTRICT

PETITIONER/ACCUSED:

SEBY VARGHESE, AGED 30 YEARS  
SON OF VARGHESE, MADASSERY HOUSE, THABORE P.O,  
MOOKKANNOOR VILLAGE, PIN - 683577

BY ADV AJEESH M UMMER

RESPONDENT/S:

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

BY PUBLIC PROSECUTOR

OTHER PRESENT:

SRI. M.C. ASHI (PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 06.04.2022, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**ORDER**

This is an application for regular bail.

2. The petitioner is the accused in Crime No. 656 of 2021 of Ayyampuzha Police Station, Ernakulam District, alleging commission of offence punishable under Section 15(4) r/w Section 19 of the Kerala Anti-Social Activities (Prevention) Act (for short, “KAAPA”).
3. The allegation against the petitioner is that in violation of the prohibitory order passed under the KAAPA, the petitioner entered Ernakulam district and committed offences punishable under Sections 323 & 324 r/w Section 34 of the IPC, which led to the registration of Crime No. 655 of 2021 of the very same Police Station.
4. The learned counsel for the petitioner submits that while it may be true that the petitioner had entered Ernakulam district in violation of the order passed under the KAAPA, the petitioner was actually attacked by the others, who are accused in Crime No.654 of 2021 of the very same Police Station, which has been registered at the instance of the petitioner herein. It is submitted that the petitioner suffered fairly serious injuries owing to the attack by the accused in Crime No. 654 of 2021. It is further submitted that Crime No. 655 of 2021 of Ayyampuzha Police Station was registered only as a

counter blast to the registration of Crime No. 654 of 2021 against the accused in that case. It is further submitted that the petitioner has not committed any offence in violation of the order passed under the KAAPA. It is also submitted that the petitioner has been in custody for 114 days and that his continued detention is not necessary considering the facts and circumstances of the case.

5. The learned Public Prosecutor vehemently opposes the grant of bail. It is submitted that on admitted facts, the petitioner had entered Ernakulam district in violation of the prohibitory order passed under the KAAPA, which itself is an offence, and that the petitioner has no answer or reason for violating the prohibitory order under KAAPA. It is further submitted that the petitioner is not entitled to be released on bail at present.
6. Having regard to the submissions made and considering the facts and circumstances of the case and also considering the fact that the petitioner has been in custody for 114 days as on date in the above crime (which has been registered for violation of the prohibitory order passed under the KAAPA), I am of the view that the petitioner can be granted bail, subject to conditions.

In the result, the bail application is allowed and it is directed that the petitioner shall be released on bail subject to the following conditions:

- (a) The petitioner shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court;
- (b) Petitioner shall appear before the investigating officer in Crime No. 656 of 2021 of Ayyampuzha Police Station, Ernakulam District, every Saturday at 11.00 am until further orders;
- (c) The petitioner shall not attempt to influence or intimidate any witness in Crime No. 656 of 2021 of Ayyampuzha Police Station, Ernakulam District;
- (d) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions is violated, the investigating officer in Crime No. 656 of 2021 of Ayyampuzha Police Station, Ernakulam District, may file an application before the jurisdictional court for cancellation of bail.

**Sd/-**

**GOPINATH P.**

**JUDGE**