

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 5TH DAY OF JULY 2022 / 14TH ASHADHA, 1944

BAIL APPL. NO. 4974 OF 2022

(CRIME NO.425/2022 OF ALAPPUZHA SOUTH POLICE STATION)

PETITIONERS/ ACCUSED NOS.3, 6, 7, 28, 31, 32, 29 AND 30 :

- 1 ANSAR NAJEEB,
AGED 30 YEARS,
NEAR BAKARATHA AUDITORIUM, WARD NO.7,
ERATTUPETTA MUNICIPALITY,
KERALA, PIN - 686 121
- 2 IBRAHIM,
AGED 45 YEARS,
S/O USMANKUTTY,
PUTHUVAL, VANDANAM P.O.,
ALAPPUZHA,
KERALA, PIN - 688 005
- 3 NISSAR,
AGED 38 YEARS,
S/O HAMSA,
KATTUPURAMVELI, VANDANAM P.O.,
ALAPPUZHA,
KERALA, PIN - 688 005
- 4 YAHIYA THANGAL,
AGED 47 YEARS,
S/O KUNNJIKKOYA THANGAL,
ATHINAZHI HOUSE,
PERUMBILAVU, THRISSUR
KERALA, PIN - 680 519
- 5 SIYAD,
AGED 41 YEARS,
S/O. SIRAJUDEEN,
MANNAMURIYIL,
KAYAMKULAM P.O.,
ALAPPUZHA,
KERALA, PIN - 690 502

- 6 SHEFEEK,
AGED 33 YEARS,
S/O KUNNJUMON,
AMBANATTUPADITHITTAYIL,
KANNAMPALLY AREA,
KAYAMKULAM, ALAPPUZHA
KERALA, PIN - 690 502
- 7 SHIHABUDDIN
AGED 34 YEARS
S/O ABDUL SALAM
CHERUPARAMBIL HOUSE
MANAM P.O, WARD NO. 5
KOTTUVELI PANCHAYATH, ERNAKULAM
KERALA, PIN - 683 519
- 8 SIDDIQUE,
AGED 53 YEARS,
S/O SULAIMAN,
C.P THODU,
MANNAM P.O, DIVISION -2,
COCHIN CORPORATION, PIN - 683 520

BY ADVS.
RENJITH B.MARAR
LAKSHMI.N.KAIMAL
AISWARYA THANKACHAN
MEERA JOPPAN

RESPONDENT/ STATE :

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682 031

SRI. NOUSHAD K.A., PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
05.07.2022, ALONG WITH Bail Appl..4881/2022, 4899/2022, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 5TH DAY OF JULY 2022 / 14TH ASHADHA, 1944

BAIL APPL. NO. 4881 OF 2022

(CRIME NO.425/2022 OF ALAPPUZHA SOUTH POLICE STATION)

PETITIONERS/ ACCUSED NOS.2 AND 33 :

- 1 NAVAS,
AGED 40 YEARS,
S/O. SHARAF, PUTHUVAL, VANDANAM, WARD NO. 2,
AMBALAPUZHA NORTH PANCHAYATH, ALAPUZHA,
PIN - 688 007

- 2 NAZAR,
AGED 59 YEARS,
S/O. HUSSAIN, AMBALLUR VILLAGE, WARD NO. 5,
AMBALLUR PANCHAYATH, ERNAKULAM , PIN - 682 315

BY ADVS.
K.S.MADHUSOODANAN
M.M.VINOD KUMAR
P.K.RAKESH KUMAR
K.S.MIZVER
M.J.KIRANKUMAR

RESPONDENT/ COMPLAINANT & FORMAL PARTY :

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

BY SRI.NOUSHAD K.A., PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
05.07.2022, ALONG WITH Bail Appl..4974/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 5TH DAY OF JULY 2022 / 14TH ASHADHA, 1944

BAIL APPL. NO. 4899 OF 2022

(CRIME NO.425 OF 2022 OF ALAPPUZHA SOUTH POLICE STATION,
ALAPPUZHA)

PETITIONERS/ ACCUSED NOS.5 AND 8 TO 27 :

- 1 ANSIL (A5),
AGED 45 YEARS'
S/O ABDUL ASSISS, CHIRAYIL VEEDU,
ALISERY WARD, ALAPPUZHA, PIN - 688 524
- 2 SUNEER (A8),
AGED 35 YEARS
S/O. NASAR, VELIYIL VEEDU,
KOKKOTHAMANGALAM VILLAGE,
CHERTHALA P.O., WARD NO.8,
CHERTHALA MUNCIPALIY, ALAPPUZHA,
PIN - 688 524
- 3 ANSAL (A9),
AGED 32 YEARS
S/O. ANSARI, VELIYIL VEEDU,
KOKKOTHAMANGALAM VILLAGE,
CHERTHALA P.O, WARD NO.8,
CHERTHALA MUNCIPALIY, ALAPPUZHA,
PIN - 688524
- 4 SIYAD (A10),
AGED 36 YEARS ,
S/O SHAMSUDHEEN, CHIRAYIL VEEDU,
KUTHIYATHODE VILLAGE, NEAR OLD BRIDGE,
WARD NO.7, KUTHIYATHOD PANCHAYATH,
ALAPPUZHA, PIN - 688 524
- 5 SHANAVAS MOULAVI (A11),
AGED 42 YEARS,
S/O SIDHIQUE, POLLETHARAYIL WARD NO.9,
KUTHIYATHODU PANCHAYATH,

ALAPPUZHA, PIN - 688 524

- 6 LIYAKATH ALI @ BABU (A12),
AGED 52 YEARS,
S/O ALIYARU KUNJU, ANJILIKKAL VEEDU,
THIRUMALA BHAGOM P.O, WARD NO.14,
KUTHIYATHODU PANCHAYATH,
ALAPPUZHA, PIN - 688 524
- 7 RAJ SHAH (A13),
AGED 47 YEARS,
S/O HASSAN, DARUL SALAM,
WARD NO.5, THYKATTUSSERY PANCHAYATH,
ALAPPUZHA, PIN - 688 524
- 8 ZIYAD (A14),
AGED 35 YEARS,
S/O ASHARAF, DARUL MADEENA,
WARD NO.6, AROOKUTTY PANCHAYATH,
ALAPPUZHA, PIN - 688 534
- 9 ABDUL LAIS (A15),
AGED 48 YEARS,
S/O SAITHU MUHAMMED, THEKEPALLATHU VEEDU,
WARD NO.10, AROOR PANCHAYATH,
ALAPPUZHA, PIN - 688 534
- 10 HUSSAIN (A16),
AGED 50 YEARS,
S/O MUHAMMED, RUBEENA MANZIL,
KAITHAVALAPPU COLONEY, WARD NO.11,
AROOR PANCHAYATH, ALAPPUZHA,
PIN - 688 534
- 11 SIRAJUDHEEN (A17),
AGED 50 YEARS,
S/O SAITHALAVI, KALARICKAL VEEDU,
WARD NO.11, AROOR PANCHAYATH,
ALAPPUZHA, PIN - 688 534
- 12 SIRAJ (A18),
AGED 37 YEARS,
S/O SULAIMAN, VALIYAPARAMBIL,
KOLLAKADAVU, CHERIYANADU,
ALAPPUZHA, PIN - 690 509

- 13 RIYAS (A19) ,
AGED 28 YEARS,
S/O RASHEED, KARIKUMVILAYIL,
KOLLAKADAVU, CHERIYANADU,
ALAPPUZHA, PIN - 690 509
- 14 NISSAMUDHEEN (A20) ,
AGED 34 YEARS,
S/O. KARIKUMVILAYIL, KOLLAKADAVU,
CHERIYANADU, ALAPPUZHA,
PIN - 690 509
- 15 NISHAD B. (A21) ,
AGED 37 YEARS,
S/O. BASHEER, CHARIVUPARAMBIL,
PEROOR KARAZHAMA, CHRUMMUDE,
THAMARAKULAM, ALAPPUZHA,
PIN - 69 0530
- 16 ANEES (A22) ,
AGED 41 YEARS,
S/O ABDUL KAREEM, NATHANPARAMBIL,
KUTTAMPERUR, MANNAR, ALAPPUZHA,
PIN - 689 623
- 17 MUHAMMED THALHATH (A23) ,
AGED 36 YEARS,
S/O HYDROSEKUNJU, VILAYIL VEEDU,
CHEPPAD P.O, MUTHUKULAM VILLAGE,
KARTHIKAPALLY TALUK, ALAPPUZHA,
PIN - 690 507
- 18 NIYAS (A24) ,
AGED 42 YEARS,
S/O MUHAMMED ALI, MADRASSA PARAMBIL,
NETTOOR. P.O, WARD NO.20,
MARADU MUNICIPALITY, ERNAKULAM,
PIN - 682 040
- 19 SHAMEER (A25) ,
AGED 39 YEARS,
S/O SHAHUL HAMEED, THERUVIL VEEDU,
ARPANA NAGAR, PALLURUTHY,
WARD NO.13, COCHIN CORPORATION,
ERNAKULAM, PIN - 682 006

- 20 SUDHEER N.Y. (A26),
AGED 41 YEARS,
S/O. YOOSUF, NJARAKATTIL VEEDU,
PALLURUTHY, WARD NO.14,
COCHIN CORPORATION, ERNAKULAM,
PIN - 682 006
- 21 ASKAR LATHEEF (A27),
AGED 39 YEARS,
S/O LATHEEF, POOCHAMURIPARAMBU,
THANGAL NAGAR, PALLURUTHY,
EDAKOCHY VILLAGE, NOW RESIDING AT:
RENTED HOUSE OF JUSTIN, RAJ ROAD,
PALLURUTHY VELI, ERNAKULAM,
PIN - 682 006

BY ADV SUNNY MATHEW

RESPONDENTS/ COMPLAINANTS & STATE :

- 1 THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
COCHIN, PIN - 682 031
- 2 THE STATION HOUSE OFFICER,
ALAPPUZHA SOUTH POLICE STATION,
ALAPPUZHA DISTRICT, PIN - 688 001
- 3 THE SUPERINTENDENT OF POLICE
ALAPPUZHA DISTRICT, PIN - 688 001

BY SRI.NOUSHAD K.A., PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
05.07.2022, ALONG WITH Bail Appl..4974/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

**B.A.Nos.4974/2022, 4881/2022
& 4899/2022**

Dated this the 5th day of July, 2022

ORDER

Petitioners in these three bail applications are 31 out of 33 accused arrayed in Crime No.425/2022 of Alappuzha South Police Station. All the petitioners seek regular bail under Section 439 of the Code of Criminal Procedure, 1973. The crime is registered for offences under Sections 143, 147, 153A, 295A, 505(1)(b), (c) and 506 r/w 149 of the Indian Penal Code, 1860, apart Sections 75 and 83 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 120(o) of the Kerala Police Act, 2011.

2. Petitioners in BA.No.4881/2022, are accused No. 1 and 33 in the above mentioned crime. Petitioners in BA. No.4899/2022, are accused Nos.5 and 8 to 27, while the petitioners in BA.No.4974/2022, are accused Nos.3, 6, 7 and 28 to 32 in the above crime.

3. All these petitioners are alleged to have, in prosecution of their common object to destroy the communal harmony formed themselves into an unlawful assembly and committed rioting during the conduct of a rally at Alappuzha raising provocative slogans, inciting feelings of disharmony, enmity and hatred between different religions causing prejudice to the maintenance of religious harmony thereby committing

the offences alleged against them. The prosecution further alleges that the first accused who is the President of the organisation called Popular Front of India had, along with the 3rd accused, caused a minor boy to shout provocative slogans while he was sitting on the shoulder of the 3rd accused while other accused repeated the slogans, thereby causing injury to communal harmony.

4. The issue relates to a rally conducted by 'Popular Front of India' where slogans were alleged to have been raised in an attempt to disturb communal harmony and to criminally intimidate large sections of the society by threatening annihilation of certain groups. As mentioned above, a minor boy is alleged to have been shouting slogans, while perched on the shoulders of one of the accused. The crime was registered on the basis of the complaint filed by an Advocate and thereafter petitioners were arrested on different dates between 24.05.2022 and 04.06.2022.

5. Sri.K.S.Madhusoodanan, the learned counsel appearing for the petitioners in BA.No.4881/2022, Sri.Sunny Mathew, the learned counsel appearing for the petitioners in BA.No.4889/2022 and Sri.Renjith B. Marar, the learned counsel appearing for the petitioners in BA.No.4974/2022 submitted that petitioners are all innocent of the crime. They further submitted that the offences alleged against them cannot even be sustained in the nature of the allegations and that all of them, having been arrested on different dates during the period 24.05.2022 to

04.06.2022, the continued detention is not warranted. It was pointed out that the slogans are being misinterpreted for ulterior purposes and no offence is made out.

6. Sir.K.A.Noushad, the learned Public Prosecutor on the other hand opposed the grant of bail and submitted that the harmony that prevails in the State is attempted to be disrupted by the accused and if such slogans are permitted to be shouted during rallies, the same can have serious repercussions. It was further submitted that the investigation is still continuing and that the 2nd accused is yet to be arrested while the 4th accused has not yet been identified. He pointed out that releasing the petitioners on bail at this juncture would prejudice the investigation. It was further pointed out that some of the accused are having serious criminal antecedents and in such circumstances, bail ought not be granted.

7. The allegations against the petitioners are serious in nature. A minor boy is also alleged to have been used for shouting the provocative slogans. Notwithstanding the serious nature of the allegations, petitioners have been in detention from 24.05.2022 onwards, while the last arrest was made on 04.06.2022. Thus all the petitioners are continuing in detention atleast for more than 30 days. The investigation as far as petitioners are concerned are almost complete. The continued detention of the petitioners will not serve any further purpose, despite two accused remaining at large. In such circumstances, I am inclined to allow these

bail applications on the following conditions :-

- (i) Petitioners shall be released on bail on them executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.
- (ii) Petitioners shall appear before the Investigating Officer every alternate Saturdays between 9.00 a.m.and 11.00 a.m.
- (iii) Petitioners shall not intimidate or attempt to influence the witnesses; nor shall they tamper with the evidence.
- (iv) Petitioners shall not commit any other similar offences while they are on bail.
- (v) Petitioners shall not leave Kerala without the permission of the jurisdictional court.

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, notwithstanding the bail having been granted by this Court.

Sd/-

BECHU KURIAN THOMAS, JUDGE

RKM