

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K.HARIPAL

THURSDAY, THE 3<sup>RD</sup> DAY OF MARCH 2022 / 12TH PHALGUNA, 1943

CRL.MC NO. 1197 OF 2022

CRIME NO.1588/2021 OF KUNNATHUNADU POLICE STATION, ERNAKULAM

PETITIONERS:

- 1 SANJEEV HANSDA  
AGED 25 YEARS  
SON OF MANOHAR HANSDA,  
BARTOL VILLAGE,  
DUMDUMA P O,  
TINSUKIA DIST,  
DUMASA PS,  
JHARKHAND- 825109.
- 2 MANISH CHODA  
AGED 20 YEARS  
SON OF BADHU CHODU  
GOSAICHOK VILLAGE  
VNAGAIYA P O  
SAHIB GANJ DIST,  
MIRZA CHOUKI  
JHARKHAND, PIN - 834001
- 3 NARESH SOREN  
AGED 18 YEARS  
SON OF THALKU SORAN,  
GOSAICHOK VILLAGE,  
BHAGAIYA P O,  
SAHIBGANJ DIST,  
MIRZA CHOKI,  
JHARKHAND, PIN - 834001
- 4 AKASH HUMBRUM  
AGED 22 YEARS  
SON OF JETHU HUMBRUM LEELA,  
THARIK GRAM,  
MIRZA CHOUKI,  
JHARKHAND, PIN - 834001
- 5 CLOUDIES MARANDI  
AGED 23 YEARS  
SON OF EARNEST,  
ASANJULA P.O,

- HIRANPOR PS,  
PAKKOOR DISTRICT  
JHARKHAND, PIN - 816104
- 6 JAG MOHAN  
AGED 26 YEARS  
SON OF BUBHU MURMU,  
BAHADHAIR P.O.  
KUMARGUNJU P.S.,  
SOUH DHINJAJ PUR DISTRICT  
WEST BENGAL, PIN - 733102
- 7 BRAMA PURTHI,  
SON OF HARISANKAR,  
PURTHI, PARSABAL VILLAGE,  
WEST SINGAM DIST.,  
KARIAKOLA PS,  
JHARKHAND, PIN - 834001
- 8 BARANA BAS MARANDI  
SON OF CHARLESMARANDI,  
BUSHA VILLAGE,  
SAHIBGUNJU DIST.,  
MIRSACHOUKKI  
JHARKHAND, PIN - 816101
- 9 BADKA MORMU,  
AGED 33 YEARS  
SON OF PARGANA MORMA,  
PAKAPAL VILLAGE,  
BHAGALPUR DIST.,  
BIHAR, PIN - 812001
- 10 JITRAM MURMU  
AGED 25 YEARS  
SON OF HEPNO MURMU,  
BARGAMA VILLAGE, GODDA DIST.,  
JHARKHAND, PIN - 814147
- 11 AKASH CHAKKI  
AGED 27 YEARS  
SON OF RADO CHAKKI,  
KONKOWA VILLAGE,  
PASCHIM SIMBUM DIST,  
JHARKHAND, PIN - 833201
- 12 PAPPURAJ KISKU  
SON OF MICHEAL KISKU,

- 13 BASAHA VILLAGE,  
SAHIB GANJ DIST.,  
JHARKHAND, PIN - 814102  
SULEMAN MARANDI  
AGED 20 YEARS  
SON OF CHANDAR MORANDI,  
PATRHRA BADATOLLA VILLAGE,  
SAHIB GANJA DIST.,  
MIZA CHOKI,  
JHARKHAND, PIN - 816101
- 14 SANJAY HANSDAK,  
AGED 22 YEARS  
SON OF SRJUN HANSDAK,  
KOHBARA VILLAGE,  
SAHIB GANJ DIST.,  
MIZA CHOKI,  
JHARKHAND, PIN - 816101
- 15 BABLU HANSDAK  
SON OF SAHIBRAM HANSDAK,  
ILAKE VILLAGE, SAHIB GANJ DIST.,  
MIZA CHOKI,  
JHARKHAND, PIN - 816101  
BY ADVS.  
SARATH K.P.  
S.RAJEEV  
V.VINAY  
M.S.ANEER

**RESPONDENT:**

STATE OF KERALA  
REP. BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM  
ERNAKULAM, PIN - 682031

SR.PP - SRI. HRITHWIK C.S.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03.03.2022, ALONG WITH Cr1.MC.1235/2022, 1244/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE K.HARIPAL**

**THURSDAY, THE 3<sup>RD</sup> DAY OF MARCH 2022 / 12<sup>TH</sup> PHALGUNA, 1943**

**CRL.MC NO. 1235 OF 2022**

**CRIME NO.1588/2021 OF KUNNATHUNADU POLICE STATION, ERNAKULAM**

**PETITIONER:**

- 1 MAGENDRA SESS  
AGED 19 YEARS  
SON OF RABIKE SESS,  
BARIHAGARPOSH VILLAGE,  
GARPOSH PS,  
SAMBALPOOR DIST, ODISHA, PIN - 768224
- 2 HANIL MUNDA  
AGED 27 YEARS  
S/O SANIKA MUNDA,  
PATARAPALLI VILLAGE,  
BANAEI P.O,  
SUNDARAGARH DIST,  
BENAEI PS, ODISHA, PIN - 761119
- 3 CHAKADALA NAYAK  
AGED 19 YEARS  
S/O GAYANAYAK,  
BELIAPATA VILLAGE,  
BALIPATA .P.O,  
BHANJANAGAR PS ODISHA, PIN - 761126
- 4 AJAYA NAG  
AGED 27 YEARS  
S/O RUSHANAG, KUSURLA VILLAGE,  
JORADOHORA P.O, KALAHANDI. DIST,  
MARAMPUR P.S., ODISHA, PIN - 766102  
BY ADVS.  
S.RAJEEV  
SARATH K.P.  
M.S.ANEER  
V.VINAY

**RESPONDENT :**

STATE OF KERALA  
REP. BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM, PIN - 682031

SR.PP.SRI. HRITHWIK C.S

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
03.03.2022, ALONG WITH Crl.MC.1197/2022 AND CONNECTED CASES, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE K.HARIPAL**

**THURSDAY, THE 3<sup>RD</sup> DAY OF MARCH 2022 / 12<sup>TH</sup> PHALGUNA, 1943**

**CRL.MC NO. 1244 OF 2022**

**CRIME NO.1588/2021 OF KUNNATHUNADU POLICE STATION, ERNAKULAM**

**PETITIONER/ACCUSED:**

ANKIT ORAON  
AGED 25 YEARS  
SON OF GANDRU ORAON,  
KAMATI VILLAGE, CHANHO PS,  
RANCHI DISTRICT,  
JHARKHAND, PIN - 835214  
BY ADVS.  
SARATH K.P.  
S.RAJEEV  
V.VINAY  
M.S.ANEER

**RESPONDENT:**

STATE OF KERALA  
REP. BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM, PIN - 682031

SR.PP.SRI.HRITHWIK C.S

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03.03.2022, ALONG WITH CrI.MC.1197/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE K.HARIPAL**

**THURSDAY, THE 3<sup>RD</sup> DAY OF MARCH 2022 / 12<sup>TH</sup> PHALGUNA, 1943**

**CRL.MC NO. 1245 OF 2022**

**CRIME NO.1588/2021 OF KUNNATHUNADU POLICE STATION, ERNAKULAM**

**PETITIONER/ACCUSED NOS.65,71,78,154,159 & 173:**

- 1       JITAN BORAİK  
          AGED 25 YEARS  
          SON OF SUKLUSWAR,  
          NAMPATHAR VILLAGE,  
          GAMEMUVA P.O,  
          KAMRUP DIST, BOKO PS,  
          ASSAM, PIN - 781123
- 2       REMMOIA DARLONG  
          AGED 31 YEARS  
          S/O LAL BIKSANGA DARLONG,  
          DEORACHHARA VILLAGE,  
          DEORACHHARA P.O,  
          UNAKOTI DIST,  
          KAILASHAHAR PS,  
          TRIPURA, PIN - 799277
- 3       SANJAY NAIK  
          AGED 33 YEARS  
          S/O GADABHAR NAIK, JEKA GRAM,  
          BUGUDA PS, GANJAM DISTRICT,  
          ODISHA, PIN - 761118
- 4       AKASH SOREN  
          AGED 19 YEARS  
          S/O KHEPA SOREN, KHERING PS LIMIT,  
          KHERING DIST, ASSAM, PIN - 781123
- 5       BISHNU BRAHMA  
          AGED 20 YEARS  
          S/O PARGANA MORMA, PAKAPAL VILLAGE,  
          BHAGALPUR DIST., BIHAR, PIN - 812001
- 6       BENJAMIN MARDI  
          AGED 25 YEARS

S/O LOKUS MARDI, BENEBAI VILLAGE,  
MURSHIDABAD, WEST BENGAL, PIN - 484881  
BY ADVS.  
S.RAJEEV  
SARATH K.P.  
M.S.ANEER  
V.VINAY

**RESPONDENT:**

STATE OF KERALA  
REP. BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM, PIN - 682031

SR.P.P. SR. HRITHWIK C.S

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
03.03.2022, ALONG WITH Crl.MC.1197/2022 AND CONNECTED CASES,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



**ORDER**

These are petitions filed under Section 482 of the Cr.P.C by accused in Crime No.1588/2021 of Kunnathunadu police station, registered on 26.12.2021 alleging offence under Sections 143, 147, 148, 332, 323, 324, 342, 427, 436, 440 read with Section 149 of the IPC and Section 4 of the Prevention of Damage to Public Property Act. The petitioners in Crl.M.C.No.1197/2022 are accused Nos.66, 69, 70, 77, 80, 82, 108, 110, 155, 158, 161, 164, 167, 168 and 174 in the crime. Petitioners in Crl.M.C.No.1235/2022 are accused Nos. 49, 53, 54 and 55 whereas the 51<sup>st</sup> accused in the crime is the petitioner in Crl.M.C No.1244/2022 and accused Nos. 65, 71, 78, 154, 159 and 173 are the petitioners in Crl.M.C No.1245/2022.

2. The allegations against the accused persons, 174 in number, is that on 26.12.2021 at 02.30 a.m, they had formed an unlawful assembly and in prosecution of their common object, wrongfully confined the defacto complainant, a police officer and members of the police team and armed with deadly weapons,

assaulted and caused them injuries. They also set ablaze the police jeep bearing registration No.KL-01 CH 7141 and other gadgets of the police and caused them a total loss of Rs.12,05000/-. All of them were arrested for the case on 29.12.2021 and 03.01.2022 and since then are in judicial custody.

3. By the order of the Judicial First Class Magistrate, Kolenchery they were released on bail imposing stringent conditions, inter alia, on the following conditions:

- “ i. The petitioners shall execute bond for Rs.50,000/-(Rupees Fifty thousand only) each with two solvent sureties each for the like sum and the two sureties must belong to the State of Kerala.
- ii. The petitioners shall deposit a sum of Rs.7,000/- each before this court. The petitioners shall be released on bail only on deposit. ”

4. The petitioners are aggrieved by the above two conditions. According to the learned counsel, petitioners are migrant workers, it is illegal to insist that they should bring sureties from State of Kerala. Similarly, it is also unwholesome to impose a condition that they should deposit an amount of

Rs.7,000/- each.

5. Learned Senior Public Prosecutor has opposed the application. According to him, the petitioners are migrant labourers, such conditions have been imposed to secure their presence during further proceedings.

6. After hearing counsel on both sides, I do not find any reason to delete condition No.2 since, the specific allegation against the accused persons is that they had caused damage to the State by destroying the vehicle and other gadgets carried by the police and caused a loss of Rs.12,05000/-. Offence under Section 4 of the PDPP Act also is alleged against them. Therefore, as held by this Court in **Hemachandra M.T @ Kamalesh and others v. Sub Inspector of Police and another [2011 (4) KLT 841]** etc, they are liable to bear a portion of the damage sustained by the State. Therefore, condition No.2 cannot be deleted.

7. At the same time, having regard to the various authorities relied on by the learned counsel, **Motiram and others v. State of Madhya Pradesh [1978 KHC 178]**, **Valson v. State**

**of Kerala [1984 KHC 246]** etc., it is unwholesome to insist them to produce sureties from the State itself. Therefore, the condition that sureties must belong to State of Kerala stand deleted.

Crl.M.Cs are disposed of as above.

Sd/-  
**K. HARIPAL**  
**JUDGE**

Jms/03.03

//True Copy//

P.A to Judge

**APPENDIX OF CRL.MC 1197/2022**

PETITIONER ANNEXURES

Annexure1	CITIZEN COPY OF THE FIR IN CRIME NO 1588 OF 2021 OF KUNNATHUNADU POLICE STATION
Annexure2	TRUE COPY OF THE ORDER PASSED BY THE JUDICIAL FIRST-CLASS MAGISTRATE, KOLENCHERY IN CMP NO 139 OF 2022 DATED 14.02.2022

**APPENDIX OF CRL.MC 1235/2022**

PETITIONER ANNEXURES

Annexure1	CITIZEN COPY OF THE FIR IN CRIME NO 1588 OF 2021 OF KUNNATHUNADU POLICE STATION
Annexure2	TRUE COPY OF THE ORDER PASSED BY THE JUDICIAL FIRST-CLASS MAGISTRATE, KOLENCHERY IN CMP NO 143 OF 2022 DATED 14.02.2022

**APPENDIX OF CRL.MC 1244/2022**

PETITIONER ANNEXURES

Annexure1                      CITIZEN COPY OF THE FIR IN CRIME NO 1588 OF  
2021 OF KUNNATHUNADU POLICE STATION

Annexure2                      A TRUE COPY OF THE ORDER PASSED BY THE  
JUDICIAL FIRST-CLASS MAGISTRATE, KOLENCHERY  
IN CMP NO 140 OF 2022 DATED 14.02.2022

**APPENDIX OF CRL.MC 1245/2022**

PETITIONER ANNEXURES

Annexure1	A CITIZEN COPY OF THE FIR IN CRIME NO 1588 OF 2021 OF KUNNATHUNADU POLICE STATION
Annexure2	THE TRUE COPY OF THE ORDER PASSED BY THE JUDICIAL FIRST-CLASS MAGISTRATE, KOLENCHERY IN CMP NO 138 OF 2022 DATED 14.02.2022