

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Bail Appl..No. 125 of 2015 ()

CRIME NO. 2008/2014 OF VADAKKANCHERRY POLICE STATION ,PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED NOS. 1 TO 5:

1. GANESHAN, AGED 31 YEARS,S/O CHAMI,
KONNANCHERRY, KIZHAKKUMURY HOUSE,
AYAKKA P.O, PALAKKAD.
2. SATHEESH @ PAPPUNNY, AGED 23 YEARS,
S/O AANDAVAN, KONNANCHERRY, KIZHAKKUMURY HOUSE,
AYYAKKA P.O, PALAKKAD.
3. VINOD, AGED 29 YEARS,S/O JANAKI,
KONNANCHERRY, KIZHAKKUMURY HOUSE,
AYAKKA P.O, PALAKKAD.
4. SHIJU, AGED 26 YEARS,S/O RAJAN,
KONNANCHERRY, KIZHAKKUMURY HOUSE,
AYYAKKA P.O, PALAKKAD.
5. RAHUL, AGED 19 YEARS, S/O RAMACHANDRAN,
KONNANCHERRY, KIZHAKKUMURY HOUSE,
AYYAKKA P.O, PALAKKAD.

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

B.KEMAL PASHA, J.

.....
B.A. No.125 of 2015
.....

Dated this the 14th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 to A5 respectively in Crime No.2008/2014 of the Vadakkencherry Police Station, Palakkad registered for the offences punishable under Sections 143, 147, 148, 341, 326, 307, 324, 354, 452 and 506(ii) read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners is that on 25.12.2014 at 9 p.m. they, along with other accused, formed themselves into an unlawful assembly armed with deadly weapons and attacked the defacto complainant and inflicted very serious injuries on him thereby attempting to commit his murder. His mother and brothers were also attacked. The petitioners have been in custody for the period from 29.12.2014 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor has opposed the petition. Perused the CD.

5. The contents of the CD reveal that the investigation of this case, as far as the present petitioners are concerned, is practically over. Continued detention of the petitioners in custody is not required for the continued investigation of this case. It seems that there is political enmity between the petitioners on the one part and the defacto complainant and the others on the other part. Having regard to the period undergone by the petitioners in custody and the present stage of investigation, this court is of the view that the petitioners can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum each to the satisfaction of the concerned Judicial First Class

Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 21.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(iv) The petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge