

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Bail Appl..No. 150 of 2015 ()

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(CRL.M.P.NO.5517 IN SC.NO. 1126/2014 OF DISTRICT & SESSIONS COURT,
ALAPPUZHA)**

PETITIONER/5TH ACCUSED :

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OMANAKUTTAN, S/O. RAJAPPAN,AGED 39 YEARS,
KANDATHIL PARAMBIL, WARD NO.X,
KARUVATTA PANCHAYATH.**

**BY ADVS.SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN
SMT.T.J.SEEMA**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

.....
B.A. No.150 OF 2015
.....

Dated this the 21st day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the fifth accused in S.C.521/2001 of the Sessions Court, Alappuzha and as he was absconding, the case against him was split up and refiled and presently the same is pending as S.C.No.1126/2014, for the offences punishable under Sections 142, 143, 147, 148, 149, 341, 323, 379 and 506(ii) read with Section 34 of the Indian Penal Code and Sections 3(1)(x) and (xv) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989.

3. Similarly, the case against the first accused was also split up as he was also absconding and the same is

refiled and presently pending as S.C.1125/2014. It seems that almost all the other accused in the case were tried and they were acquitted. The petitioner has surrendered before the court below on 23.12.2014 and thereafter he has been remanded to judicial custody.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. Perused the CD.

5. Considering the facts and circumstances of the case, I am of the view that the petitioner can be enlarged on bail on strict conditions ensuring his availability for trial.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties 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 petitioner shall report before the Investigating Officer in between 9 a.m. and 11

a.m. on all Wednesdays and Saturdays commencing from 28.01.2015 for a period of six months.

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

(iii) The petitioner shall surrender his passport before the court below. In case he has no passport, an affidavit to that effect shall be filed.

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(v) The petitioner 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