

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Bail Appl..No. 171 of 2015 ()

**CRIME NO. 1631/2014 OF POOYAPALLY POLICE STATION,
KOLLAM DISTRICT**

PETITIONER/2ND ACCUSED :

**MAHESH, AGED 24 YEARS,
S/O. VASUDEVAN, MAHESH BHAVAN,
MUDIYOORKONAM CHENKULAM P.O.,
POOYAPPALLY, KOLLAM.**

BY ADV. SRI.SAJU.S.A

RESPONDENT/COMPLAINANT :

**THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

B.A.No.171 of 2015

Dated this the 29th day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.1631/2014 of Pooyappally police station, Kollam district registered for the offences punishable under Sections 143, 147, 148, 326, 341 and 308 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 5.12.2014 at 8 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like iron rod, stick etc., and wrongfully restrained one Subhash, who was present along with the de-facto complainant, and attacked him. It is alleged that the first accused beat him with an iron rod, thereby

causing injuries, the petitioner beat him with a stick, thereby causing injuries and the third accused hit him on his face with a cycle chain, thereby causing fracture of a tooth. It is also alleged that the petitioner along with the accused, attacked the de-facto complainant and one Sujendran also, who intervened for the rescue of the said Subhash.

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

5. It seems that the investigation of this case is practically over. All the other accused in this case were arrested, detained and subsequently, enlarged on bail. I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. Considering the facts and circumstances of the case, the present stage of investigation and the absence of the criminal antecedents on the part of the petitioner, I am of the view that this is a fit case wherein anticipatory bail can be granted

to the petitioner.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, 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 Thursdays and Mondays commencing from 5.2.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) 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

dl

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PA to Judge