

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Bail Appl.No. 207 of 2015

CRIME NO. 1188/2014 OF KATHIRUR POLICE STATION
.....

PETITIONER(S)/ACCUSED NO.5:

**NIJESH @ NIJU PALAYADAN, AGED 27 YEARS,
S/O. LAKSHMANAN, PALAYADAN HOUSE, PONNIAM WEST,
KATHIROOR, THALASSERY, PIN-670 641.**

**BY ADVS.SRI.G.S.KRISHNAN KARTHA
SRI.LIJIN THAMBAN**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
THROUGH THE S.I. OF POLICE, KATHIROOR POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
10-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A. No. 207 of 2015

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Dated this the 10th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is are the 5th accused in Crime No.1188 of 2014 of the Kathiroom Police Station, registered for the offences punishable under Sections 143, 147, 148, 436, and 427 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 30.12.2014 at 00.50 a.m., the petitioner along with the other accused had formed themselves into an unlawful assembly armed with deadly weapons like iron rods, committed trespass into the local committee office of CPI(M) and set ablaze the voters list, and smashed and destroyed the chairs and furniture, thereby causing a wrongful loss of ₹28,000/- to the CPI(M) local committee office.

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

5. No criminal antecedents have been reported against the petitioner. The learned counsel for the petitioner has

pointed out that the petitioner has not involved in the incident. On going through the contents of the CD, I do not think that this is a case wherein the custodial interrogation of the petitioner is required for the continued investigation of this case. Considering the facts and circumstances of the case, and the fact that no criminal antecedents have been reported against the petitioner, I am of the view that anticipatory bail can be granted to the petitioner, by making a provision for compensating the loss sustained to the local committee office of the CPI(M).

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 ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

- (i) The petitioner shall deposit an amount of

₹3,000/- (Rupees three thousand only) before the court below within seven days from today.

(ii) The petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Tuesdays and Fridays commencing from 17.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(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

DSV/10/2/15

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P.A. To Judge

