

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Bail Appl..No. 214 of 2015

**CRIME NO. 1904/2014 OF VENJARAMOODU POLICE STATION ,
THIRUVANANDAPURAM**

PETITIONER(S)/ACCUSED NO.1,2,3&4:

1. RENJITH, AGED 24 YEARS,
S/O.RETNAKARAN, VILAYIL VEEDU, KAMUKINKUZHI
THALEKKUNNIL DESAM, PULLAMPARA VILLAGE
NEDUMANGAD TALUK, THIRUVANANTHAPURAM DISTRICT.
2. NIYAS, AGED 28 YEARS
S/O.ABDUL RASHEED, NASEEMA MANZIL, PALAMKONAM
PULLAMPARA DESAM, PULLAMPARA VILLAGE, NEDUMANGAD TALUK
THIRUVANANTHAPURAM DISTRICT.
3. SANEESH, AGED 24 YEARS
S/O.KRISHNAN, EANTHIVILA, VADAYANIKONAM
PALAMKONAM, PULLAMPARA DESAM, PULLAMPARA VILLAGE
NEDUMANGAD TALUK, THIRUVANANTHAPURAM DISTRICT.
4. RENJITH, AGED 28 YEARS
S/O.REMANAN, THADATHARIKATHU UTHRAMVEEDU, PALAMKONAM
PULLAMPARA DESAM, PULLAMPARA VILLAGE, NEDUMANGAD TALUK
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.R.B.RAJESH

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA
REPRESENTEDBY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. THE SUB INSPECTOR OF POLICE,
VENJARAMOODU POLICE STATION, THIRUVANANTHAPURAM-695001.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

B. KEMAL PASHA, J.

.....
B.A. No.214 of 2015
.....

Dated this the 16th day of January, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.1 to 4 in Crime No.1904/2014 of Venjaramoodu Police Station registered for the offences punishable under Sections 294(b), 341, 323, 324 and 308 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that on 25.12.2014 at 4 p.m. they obstructed the vehicle of the *defacto complainant* by using vehicle bearing registration No.KL-21H-306 on the road at Venjaramoodu and A1 abused the *defacto complainant* and hit on his head with a stone. It is alleged that A2 to A4 also assaulted and wrongfully restrained the *defacto complainant*. The petitioners have been in custody for the period from 26.12.2014 onwards.

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

5. The learned Public Prosecutor has reported that the 4<sup>th</sup> petitioner is a habitual offender involved in three crimes. It seems that proceedings under Section 107 Cr.P.C. has also been initiated against the 4<sup>th</sup> petitioner. Considering the series of serious criminal antecedents on the part of the 4<sup>th</sup> petitioner, I am of the view that he is not entitled to be enlarged on bail. As far as the other petitioners are concerned, their continued detention in custody is not required for the continued investigation of the case. No criminal antecedents have been reported against them. Having regard to the period undergone by petitioners 1 to 3 in custody and the absence of criminal antecedents on their part, I am satisfied that they can be enlarged on bail.

6. In the result, this Bail Application is allowed in part and petitioners 1 to 3 shall be enlarged on bail on each

of them 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 concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

*(i) Petitioners 1 to 3 shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 23.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.*

*(ii) Petitioners 1 to 3 shall not tamper with the evidence or influence witnesses.*

*(iii) Petitioners 1 to 3 shall make themselves available for interrogation as and when required by the Investigating Officer.*

*(iv) Petitioners 1 to 3 shall not involve in any offence while on bail.*

BA.214/2015

: 4 :

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

As far as the 4<sup>th</sup> petitioner is concerned, this Bail Application is dismissed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/16/01

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*PA to Judge*