

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Bail Appl..No. 234 of 2015 ()

CRIME NO. 730/2014 OF KADIRUR POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/ACCUSED 1 & 3:

1. K.NIJESH,S/O.NANU,AGED 26 YEARS,
NUCHOLI HOUSE, ERUVATTY AMSOM,
DESOM.
2. N.RIGIL @ RIGI @ ALBU (MISTAKENLY WRITTEN AS RIJITH
IN THE APPLICATION/ORDER OF THE SESSIONS COURT),
S/O.SUDHAKARAN,AGED 25 YEARS, CHALIL HOUSE,
ERUVATTY AMSOM,DESOM.

BY SRI.K.GOPALAKRISHNA KURUP,SENIOR ADVOCATE
ADV. SMT.DEEPTHI S.MENON

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 31.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 22-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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B. KEMAL PASHA, J.

.....
B.A. No.234 of 2015
.....

Dated this the 22nd day of January, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 and A3 in Crime No.730/2014 of Kathirur Police Station, Kannur district, pending investigation for the offences punishable under Sections 143, 147, 148, 341, 324 and 302 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners is that on 17.08.2014 at 9.45 p.m., they, along with the other accused, formed themselves into an unlawful assembly, armed with deadly weapons and inflicted severe injuries on the victim. It is alleged that the injuries sustained to the victim are sufficient in the ordinary course of nature to cause death and it has resulted in his death. The petitioners were arrested on 21.08.2014 and thereafter, they have been in

custody.

4. Heard the learned Senior Counsel for the petitioners and the learned Public Prosecutor. Perused the CD.

5. The learned Public Prosecutor has pointed out that the petitioners are involved in a series of serious criminal offences. It has been reported that the 1<sup>st</sup> petitioner is accused in Crime Nos.166/2012, 443/2012, 635/12, 638/12, 264/14 and 444/2013 of Kathirur Police Station, over and above the present case. Similarly, it has been reported that the 2<sup>nd</sup> petitioner is accused in Crime Nos.166/2012, 443/2012, 635/12 and 444/13 of the said police station, over and above the present case. When the details of those cases were procured, it has come out that most of those cases relate to the offences under Sections 323, 427 and 324 IPC etc. Considering the facts and circumstances of the case and having regard to the period undergone by petitioners in custody, this Court is of the view

that they can be enlarged on bail on strict conditions.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on each of them executing a bond for Rs.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 petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays, commencing from 29.01.2015 for a period of six months.*

*(ii) Except for observing condition No.(i) above, the petitioners shall not enter the local limits of Kannur district for a period of six months from today.*

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

*(iv) The petitioners shall make themselves*

*available for interrogation as and when required by the Investigating Officer.*

*(v) 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)**

aks/22/01

*// True Copy //*

*PA to Judge*