

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. 312 of 2015

CRIME NO. 1529/2014 OF THALIPARAMBA POLICE STATION, KANNUR DISTRICT.
.....

PETITIONER(S)/ACCUSED(RANK NOT KNOWN):

1. VINOD KUMAR, S/O. MATHEW, AGED 38 YEARS,
PUTHIYAPURAYIL HOUSE, MADAKKAD,
KOOVERI AMSOM, THALIPARAMBA, KANNUR.
2. SREEJESH K.P., S/O. SREEDHARAN, AGED 31 YEARS,
KIZHAKKEPATH HOUSE, THUYIPRA,
KOOVERI AMSOM, THALIPARAMBA, KANNUR.
3. HARRIS, S/O. ABOOBACKER, AGED 22 YEARS,
PAROL HOUSE, PERUVANA,
KOOVERI AMSOM, THALIPARAMBA, KANNUR.

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SRI.BABU THOMAS (PAZHAYATHOTTATHIL)
SRI.K.K.ANIL KUMAR**

RESPONDENT(S)/STATE & COMPLAINANT:

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. THE STATION HOUSE OFFICER,
THALIPARAMBA POLICE STATION, KANNUR - 670 141.

BY PUBLIC PROSECUTOR

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

mbr/

B.KEMAL PASHA, J.

.....
B.A. No.312 of 2015

.....
Dated this the 21st day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 to A3 in Crime No.1529/2014 of the Thaliparamba Police Station, Kannur registered for the offences punishable under Sections 143, 147, 148, 324 and 427 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that on 01.12.2014 at 9 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like granite stones etc. and pelted stones towards the passengers of the jeep by which the defacto complainant and his associates were travelling thereby causing very serious injuries to the one Rajan and others

who were travelling by the jeep. It is alleged that they caused grievous hurt to the said injured and damage to the jeep extending to ₹6,000/-. The petitioners have been in custody for the period from 07.12.2014 onwards.

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

5. The learned Senior Public Prosecutor has reported that the first petitioner who is the first accused herein is involved in three other criminal cases and he is a dare criminal involved in series of serious criminal offences. The wound certificate shows that the injured has sustained deep lacerated wound of 5 x 2 x 1 cm, with a depressed fracture of the skull. Considering the seriousness of the allegations against the first petitioner and also considering his serious criminal back ground, I am of the view that he is not entitled to be enlarged on bail.

6. At the same time, no criminal antecedents have been reported against A2 and A3 who are petitioners 2 and

3. Having regard to the period undergone by petitioners 2 and 3 in custody and the absence of any criminal antecedents on their part, I am of the view that petitioners 2 and 3 can be enlarged on bail.

7. In the result, this bail application is allowed in part and petitioners 2 and 3 shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each 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 2 and 3 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) Petitioners 2 and 3 shall not tamper with the evidence or influence witnesses.

(iii) Petitioners 2 and 3 shall make themselves available for interrogation as and

when required by the investigating officer.

(iv) Petitioners 2 and 3 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.

This petition, as far as the 1st petitioner is concerned, is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge