

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. 318 of 2015 ()

CRIME NO. 2259/2014 OF ADOOR POLICE STATION , PATHANAMTHITTA DISTRICT

PETITIONERS/ACVCUSED 1 TO 4:

1. SUDHEESH, S/O UDHAYAN, AGED 20 YEARS,
PARAYIL VEEDU, PARAYILPADI,
EZHAMKULAM MURI, EZHAMKULAM VILLAGE.
2. SUNIL DEVU, S/O SAHADEVAN, AGED 21 YEARS,
MUKALUKALAYIL VEEDU, PARAYILPADI,
EZHUMKULAM MURI, EZHAMKULAM VILLAGE.
3. VISHNU VIJAYAN @ KICHU, AGED 21 YEARS,
S/O VIJAYAN PILLAI, MURTHIRAVILA PUTHEN VEEDU,
EZHAMKULAM VILLAGE, ADOOR TALUK.
4. SHERIN, S/O SHEFEEK, AGED 19 YEARS,
PARAVILA VEEDU, GURUMUTTAM,
PALAMON MURI, KOTTARAKKARA VILLAGE.

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

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

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B.KEMAL PASHA, J.

.....
B.A. No.318 of 2015

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

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 to A4 in Crime No.2259/2014 of the Adoor Police Station, Pathanamthitta registered for the offences punishable under Sections 143, 147, 148, 323, 324, 308 and 427 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that on 10.11.2014 at 9.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and attacked the defacto complainant who is an autorickshaw driver, inflicted very series injuries including grievous hurt. First accused was arrested on

10.12.2014, the second accused was arrested on 11.12.2014 and A3 and A4 were arrested on 14.12.2014 and thereafter they have been in custody.

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

5. The learned Senior Public Prosecutor has reported that A3 is a dare criminal involved in series of other criminal cases. The allegations against the A3 are very grave and serious. It seems that the defacto complainant has sustained very serious injuries all over his body including a fracture. Considering the seriousness of the allegations against the third accused and his involvement in other criminal cases, 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 A1, A2 and A4. Having regard to the period undergone by A1, A2 and A4 in custody and the absence of any criminal antecedents on their part, I am of

the view that petitioners 1, 2 and 4 can be enlarged on bail.

7. In the result, this bail application is allowed in part and petitioners 1, 2 and 4 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 1, 2 and 4 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 1, 2 and 4 shall not tamper with the evidence or influence witnesses.

(iii) Petitioners 1, 2 and 4 shall make themselves available for interrogation as and when required by the investigating officer.

(iv) Petitioners 1, 2 and 4 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 3rd petitioner is concerned, is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge