

**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. 395 of 2015**  
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**CRIME NO. 391/2014 OF MALOOR POLICE STATION, KANNUR**  
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**PETITIONER(S)/ACCUSED NOS. 1 TO 3:**  
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1. RAJEEVAN, AGED 21 YEARS,  
S/O.MAMAN, POOVANPOYIL, SIVAPURAM AMSOM P.O.,  
KANHILERI.
2. SOORAJ, AGED 31 YEARS,  
S/O.SURESH, CHEMMARATHIL VEEDU, SIVAPURAM AMSOM P.O.,  
KANHILERI.
3. SANEESH, AGED 27 YEARS,  
S/O.CHANDUKUTTY, SAJNA NIVAS, SIVAPURAM AMSOM P.O.,  
KANHILERI.

**BY ADVS.SRI.K.SIJU  
SRI.S.ABHILASH**

**RESPONDENT(S):**  
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**STATE OF KERALA,  
THROUGH THE S.H.O.,  
MALOOR POLICE STATION,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.**

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

**msv/**

**B.KEMAL PASHA, J.**

.....  
B.A. No.395 of 2015

.....  
Dated this the 22<sup>nd</sup> day of January, 2015

**ORDER**

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 to A3 in Crime No.321/2014 of the Maloor Police Station, Kannur registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 452 and 308 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners is that on 06.12.2014 at 11 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and committed trespass into the house of the defacto complainant and beat him. It is also alleged that they hit on his head with a granite stone. The petitioners have been in

custody for the period from 10.12.2014 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor has opposed the petition. Perused the CD.

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioners. The investigation of this case is practically over. Continued detention of the petitioners in custody is not required for the continued investigation of this case. The learned Public Prosecutor has pointed out that A1 and A3 are involved in another case also. Having regard to the period undergone by the petitioners in custody and the present stage of investigation, this court is of the view that the petitioners can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioners 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) 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 three months or till the filing of the final report in this case, whichever is earlier.

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

(iii) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(iv) 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**

ul/-

[True copy]

P.S. to Judge