

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

Bail Appl..No. 431 of 2015 ()

CRIME NO. 59/2015 OF HOSDURG POLICE STATION, KASARAGOD DISTRICT

PETITIONER/ACCUSED NO.1:-

**PRASHOB M., SO.POKLAN M.,AGED 28 YEARS,
MOTTAKKAL HOUSE, ADOTTU,
AJANUR, KASARAGOD DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENT(S)/COMPLAINANT & STATE:-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.59/2015 OF HOSDURG POLICE STATION),
KASARAGOD DISTRICT - 671 121.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

.....
B.A. No.431 OF 2015

.....
Dated this the 27th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.59/2015 of the Hodurg Police Station, Kasaragod registered for the offences punishable under Sections 143, 147, 148, 341, 324 and 307 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 13.01.2015 at 6.45 pm, they formed themselves into an unlawful assembly armed with deadly weapons like swords and knife and attacked the defacto

complainant, out of political enmity. It is alleged that the petitioner and A2 repeatedly inflicted cut injuries on him by using a sword. The petitioner has been in custody for the period from 15.01.2015 onwards.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. Perused the CD.

5. No criminal antecedents have been reported against the petitioner. The contents of the CD reveal that the investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. At the same time, the investigating officer has reported that in case the petitioner is enlarged on bail there is every possibility of further untoward incidents in continuation of this case. The same has to be taken note of. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, I am of the view that the petitioner can be

enlarged on bail on strict conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹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 petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 03.02.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioner shall not enter Kasaragod District for a period of six months from today.

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

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(v) The petitioner 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.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge