

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Bail Appl..No. 518 of 2015 ()

AGAINST THE ORDER IN CMP 275/2015 of THE JUDICIAL FIRST CLASS
MAGISTRATE'S COURT, KAYAMKULAM

CRIME NO. 71/2015 OF KAYAMKULAM POLICE STATION, ALAPPUZHA

PETITIONER/ACCUSED NO.1:

SHAN @ VARIKAPALLY SHAN, AGED 24 YEARS,
S/O.SHAMSUDIN, VARIKAPALLY VEEDU, ERUVA WEST MURI,
PATHIYOOR VILLAGE, KAYAMKULAM, ALAPPUZHA DISTRICT.

BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SMT.ANJU MOHAN
SRI.S.K.SUJITH KRISHNA
SRI. VISHNU S. (ARIKKATTIL)

RESPONDENTS/STATE:

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

2. SUB INSPECTOR OF POLICE,
KAYAMKULAM POLICE STATION, KAYAMKULAM,
ALAPPUZHA - 690 502.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
11-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DSV/11/2/15

B.KEMAL PASHA, J.

.....
B.A. No.518 OF 2015

.....
Dated this the 11th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.71/2015 of the Kayamkulam Police Station, Alappuzha registered for the offence punishable under Section 20 read with Section 27 of the Arms Act.

3. The allegation against the petitioner and the other accused is that on 09.01.2015, during night at about 12, they were found threatening and intimidating the people at the road in front of Thasa Hotel at Kottukulangar and on seeing the police party they ran away from the spot. The 3rd accused was arrested with a motorbike. A sword was found in the possession of the petitioner. It is alleged that the

petitioner has violated the condition imposed by the learned Sessions Judge while he was enlarged on bail in another case that he should not enter the local limits of the Kayamkulam Police Station. The petitioner has been in custody for the period from 09.01.2015 onwards.

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

5. The learned Public Prosecutor has reported that the petitioner is involved in Crime No.1101/2013 u/Ss. 341, 324 & 308 r/w Section 34 IPC & S.20 r/w S.27 of the Arms Act, Crime No.276/2014 u/Ss.147, 148, 149, 326 & 307 IPC r/w S.20 r/w S.27 of the Arms Act and Crime No.243/2014 u/Ss.143, 147, 148, 149, 341 & 308 IPC of Kayamkulam Police Station. The learned counsel for the petitioner has pointed out that there were only five days remaining for the completion of the period imposed by the learned Sessions Judge, when he was enlarged on bail in the other case. Considering all the above, and the allegations in the present

case, I am of the view that, as a last chance, one more opportunity can be given to the petitioner by enlarging him on bail in this case also, 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 Wednesdays and Saturdays commencing from 18.02.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioner shall not enter the local limits of the Kayamkulam Police Station, Alappuzha 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.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge