

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

Bail Appl..No. 519 of 2015 ()

CRIME NO. 1792/2014 OF THALASSERY POLICE STATION,KANNUR DISTRICT

PETITIONER/ACCUSED 5:

**SHAMEER.P.,S/O.HAMZA, AGED 36 YEARS,
POOVANAYI HOUSE, POST NETTUR,
THALASSERY TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.P.K.SUBHASH**

RESPONDENT(S)/COMPLAINANT AND STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.1792/14 OF THALASSERY POLICE STATION),
KANNUR DISTRICT-670 001.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B. KEMAL PASHA, J.

.....
B.A. No.519 2015
.....

Dated this the 19th day of February, 2015

ORDER

~~~~~

Petition under Section 438 Cr.P.C.

2. Petitioner is the 5<sup>th</sup> accused in Crime No.1792/2014 of Thalassery Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 IPC.

3. The allegation against the petitioner and the other accused is that on 19.12.2014 at 11.20 a.m., they formed themselves into an unlawful assembly armed with deadly weapons like jack lever etc., and attacked the *defacto complainant*, who is the cleaner of a bus named '*Theertham*', its conductor Rijesh and two passengers viz., Sajith and Santhosh. It is alleged that they were assaulted and attempted to be beaten with the jack lever.

4. Heard learned counsel for the petitioner and

learned Public Prosecutor.

5. On a perusal of the CD and on hearing either side, I do not find any sufficient materials to invite an offence under Section 308 IPC in the matter. Offence under Section 308 IPC is the only non bailable offence alleged against the petitioner. Considering the facts and circumstances of this case, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner, especially when no criminal antecedents have been reported against him.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like

sum to the satisfaction of the officer conducting arrest, 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 Thursdays and Mondays commencing from 26.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.*

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

*(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.*

*(iv) 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)**

aks/19/02

*// True Copy //*

*PA to Judge*