

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Bail Appl..No. 535 of 2015

CRIME NO. 1313/2014 OF MANGALAPURAM POLICE STATION ,
THIRUVANANDAPURAM

PETITIONERS A7 TO A9.:

1. SHAMNAD, AGED 19 YEARS
S/O.SHAKKIR, CHITTUPARAMBIL VEEDU, KANDAL DESOM
PALLIPPURAM VILLAGE, THIRUVANANTHAPURAM.
2. NAZAR, AGED 19 YEARS,
S/O.MUBEENA, BISMILLAH COTTAGE, PRA-153
VALIYAVEETUMURI, PALLIPPURAM VILLAGE,
THIRUVANANTHAPURAM.
3. SHIBIN, AGED 21 YEARS
S/O.IBRAHIM, SHABIN NIVAS
PUTHENKADAVIL VADAYIL MUKKU, PALLUPPURAM VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S):

STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE
MANGALAPURAM POLICE STATION
THIRUVANANTHAPURAM DISTRICT
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 30-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

B.KEMAL PASHA, J.

.....
B.A. No. 535 OF 2015
.....

Dated this the 30th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A7 to A9 respectively in Crime No.1313/2014 of the Mangalapuram Police Station, Thiruvananthapuram registered for the offences punishable under Sections 143, 147, 148, 323, 324 and 308 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and other accused is that on 13.11.2014 at 8.45 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like iron rod, committed rioting and rioting armed with deadly weapons. It is alleged that the 2nd accused beat the defacto complainant with an iron rod, thereby causing

injuries on his forehead and nose. The other accused beat the defacto complainant and his friends with iron rods. The motor bike of the defacto complainant was also damaged, thereby causing a wrongful loss of ₹20,000/- to the defacto complainant. The petitioners have been in custody for the period from 17.01.2015 onwards.

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

5. The contents of the CD reveal that the investigation of this case is practically over. No criminal antecedents have been reported against the petitioners. The continued detention of the petitioners in custody is not required for the continued investigation of this case. Considering the facts and circumstances of the case and having regard to the period undergone by the petitioners in custody and the present stage of investigation, I am of the view that the petitioners can be enlarged on bail by making a provision for compensating the damages sustained to the

defacto complainant.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand 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) Each of the petitioners shall deposit an amount of ₹6,500/- before the court below.

(ii) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays, commencing from 06.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(v) 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