

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Bail Appl..No. 557 of 2015

CRIME NO. 1813/2014 OF PERAMANGALAM POLICE STATION, TRISSUR DISTRICT.
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APPLICANT(S)/2ND 3RD AND 5TH ACCUSED:

1. SANJU, AGED 20 YEARS,
S/O.SASIDHARAN, VARADATTUVALAPPIL HOUSE,
KOZHIKUNNU DESOM, P.O.MULAMKUNNATHUKAVU,
THRISSUR TALUK, THRISSUR DISTRICT
2. RAHUL KRISHNA, AGED 21 YEARS,
S/O.RAVEENDRAN, MENOTH HOUSE,
MOOCHIKKAL, THANOOR, THIRUR,
MALAPPURAM DISTRICT.
3. SUJITH, AGED 22 YEARS,
S/O.SUBRAHMANIAN, CHAVARATTIL HOUSE,
P.O.PONNORE, PARAPPUR, THRISSUR.

BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

B.KEMAL PASHA, J.

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B.A. No.557 of 2015

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Dated this the 12th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A2, A3 and A5 in Crime No.1813 of 2014 of the Peramangalam Police Station, registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners is that on 30.11.2014 at 10.30 p.m., they obstructed the car, by which the defacto complainant and his friends were travelling on the road and the defacto complainant was dragged down from the car and he was attacked. It is alleged that the 1st accused inflicted a blow on the head of the defacto complainant with an iron rod, thereby causing an injury. A2 and A3 beat on the back of the defacto complainant with an iron rod and A4 to A6

slapped and stamped the defacto complainant and his friends.

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

5. The learned counsel for the petitioners has pointed out that the motorbike on which these petitioners were riding, as they were rushing to the hospital, was knocked down by the car that was being driven by the defacto complainant, which resulted in an altercation between the parties. In the meantime, two other accused, who were also coming behind these petitioners, by another motorbike, were also attacked by the persons in the car. In the incident, both the parties sustained injuries. Crime No.1793 of 2014 was registered against the defacto complainant and his friends in this case. It has been pointed out that the defacto complainant is a habitual offender involved in a series of criminal cases. He was arrested, detained and subsequently enlarged on bail. He was arrested on 08.12.2014 and was released on bail by this Court on 06.02.2015 through B.A.No.560 of 2015.

Further, it has been pointed out that Ganja was seized from the car, for which another crime, as Crime No.1788 of 2014 was also registered under the NDPS Act.

6. Considering the facts and circumstances of the case, the present stage of the investigation and the absence of any criminal antecedents on the part of the petitioners, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

- (i) The petitioners shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Thursdays and Mondays

commencing from 19.02.2015 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

DSV/12/2/15

//True copy//

P.A.To Judge

