

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Bail Appl..No. 559 of 2015

CRIME NO. 1553/2014 OF PAYYANUR POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/ACCUSED NO.1 AND 2 :

- 1. RINESH N.P, AGED 25 YEARS,
S/O.M.GANGADHARAN, NADUVILA PURAYIL, KAKKAMPARA,
P.O.PALAKKODE, TALIPARAMBA TALUK, KANNUR DISTRICT.**
- 2. RATHEESH.K.V, AGED 33 YEARS,
S/O.KORAN, KAYATHU VALAPPIL, CHITTADI,
KAKKAMPARA, P.O.PALAKKODE, RAMANTHALI AMSOM,
KANNUR DISTRICT.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENT(S)COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.559 of 2015

.....
Dated this the 4th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 and A2 respectively in Crime No.1553/2014 of the Payyanur Police Station, Kannur registered for the offences punishable under Sections 447, 436 read with Section 34 of the Indian Penal Code and Sections 3 and 1 of the Explosive Substances Act.

3. The allegation against the petitioners is that on 07.12.2014 at 00.50 a.m., they trespassed into the courtyard of the house of the defacto complainant and hurled bombs on the roof of the house thereby damaging tiles of the roof and a portion of the roof, which has resulted in a wrongful loss of ₹2,000/- to the defacto complainant. Petitioners

have been in custody for the period from 17.12.2014 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor has opposed the petition. Perused the CD.

5. It seems that the petitioners were also involved in two other cases, one of which was for the offence under the Explosive Substances Act. The contents of the CD reveals that the investigation of this case is practically over. Continued detention of the petitioners in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioners in custody, I am of the view that by making a provision for compensating the loss sustained to the defacto complainant, the petitioners can be enlarged on bail in this case also as a last chance, on strict conditions.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on their executing a

bond for ₹50,000/- (Rupees fifty thousand only) each with two solvent sureties each 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) Petitioners shall deposit an amount of ₹1,000/- (Rupees one thousand only) each before the court below.

(ii) Petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 11.02.2015 for a period of six months.

(iii) Except for observing condition No.(ii) above, the petitioners shall not enter the local limits of the Payyanur Police Station, Kannur for a period of six months from today.

(iv) Petitioners shall not tamper with the evidence or influence witnesses.

(v) Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(vi) 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