

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Bail Appl..No. 573 of 2015 ()

CRIME NO. 59/2015 OF HOSDURG POLICE STATION, KASARAGOD DISTRICT.

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PETITIONERS/ACCUSED NOS 4 & 5:

- 1. VISHNU V.V., AGED 19 YEARS,
S/O.V.V.RAJAN, VEENACHERY VEEDU, VELIKKOTH,
AJANUR GRAMA PANCHAYAT, KASARAGOD DISTRICT.**
- 2. SREEYESH K.V., AGED 19 YEARS,
S/O.ASHOKAN K.V., KUNDUVALAPPIL,
NEAR ADOTTU TEMPLE, AJANUR GRAMA PANCHAYAT,
KASARAGOD DISTRICT.**

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

RESPONDENTS/COMPLAINANT & STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.59/2015 OF HOSDURG POLICE STATION),
KASARAGOD DISTRICT - 671 315.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A. No.573 of 2015

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Dated this the 6th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

The petitioners are A4 and A5 in Crime No.59 of 2015 of the Hosdurg Police Station, Kasaragod registered for the offences punishable under Sections 143, 147, 148, 341, 324 and 307 read with Section 34 of the Indian Penal Code.

2. The allegation against the petitioners and the other accused is that on 13.01.2015 at 6.45 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like swords and knife and attacked the defacto complainant, out of political enmity. It is alleged that A1 and A2 repeatedly inflicted cut injuries on him by using a sword. The petitioners have been in custody for the period

from 20.01.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioners. The contents of the CD reveal that the investigation of this case is practically over. The continued detention of the petitioners in custody is not required for the continued investigation of this case. At the same time, the investigating officer has reported that in case the petitioners are enlarged on bail, there is every possibility of further untoward incidents in continuation of this case. The same has to be taken note of. Having regard to the period undergone by the petitioners in custody, the present stage of the investigation and the absence of any criminal antecedents on their part, I am of the view that the petitioners can be enlarged on bail on strict conditions.

In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on each of them

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 petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 13.02.2015 for a period of six months.

(ii) Except for observing condition No.(i) above and for attending examinations if any, the petitioners shall not enter Kasaragod District for a period of six months from today.

(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

DSV/6/2/15

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PA to Judge