

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

Bail Appl..No. 600 of 2015

CRIME NO. 14/2015 OF CHEEMENI POLICE STATION, KASARAGOD DISTRICT.
.....

PETITIONER(S)/ACCUSED 1 AND 2:

- 1. DAYARAJAN U. ,
S/O KUNHAMBU, AGED 38 YEARS,
RESIDING AT URALI HOUSE, CHOORIKOVVAL,
KODAKKADU VILLAGE, KASARAGOD DISTRICT.**
- 2. SANTHPOSH.U, S/O KUNHAMBU,
AGED 36 YEARS, RESIDING AT URALI HOUSE,
CHOORIKOVVAL KODKKADU VILLAGE,
KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT/STATE:

**THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
CHEEMENI POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682031.**

BY PUBLIC PROSECUTOR SRI. V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

.....
B.A. No.600 of 2015

.....
Dated this the 9th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 and A2 respectively in Crime No.14/2015 of the Cheemeni Police Station, Kasaragod registered for the offences punishable under Sections 452, 307, 323, 324 and 354 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that on 13.01.2015 at 9.00 p.m., they, in furtherance of their common intention to commit murder of the defacto complainant and his family, trespassed into the house of the defacto complainant and A1 inflicted a cut on the head of the mother of the defacto complainant with a chopper

thereby causing very serious injuries to her and the 2nd accused beat on the forehead of the wife of the defacto complainant with a stick and outraged the modesty of the wife and daughter of the defacto complainant. The petitioners have been in custody for the period from 15.01.2015 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. The contents of the CD, *prima facie*, reveal the complicity of the petitioners. No criminal antecedents have been reported against the petitioners. 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, the present stage of investigation and the absence of any criminal antecedents on their part, this court is of the view that the petitioners can

be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh 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) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays commencing from 16.02.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioners shall not enter the local limits of the Cheemeni Police Station, Kasaragod 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

ul/-

[True copy]

P.S. to Judge