

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

Bail Appl..No. 621 of 2015

CRIME NO. 56/2015 OF PARIYARAM POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/ACCUSED NOS.1 TO 4 :

1. PRAJEESH P.P, AGED 27 YEARS,
S/O.CHANDRAN, SREESTHA, SREESHTHA P.O,
KANNUR DISTRICT.
2. SHIBU.K, S/O.KUNJIKANNAN, AGED 35 YEARS,
SREESTHA, SREESTHA P.O, KANNUR DISTRICT.
3. SHAJI K.V, S/O.BHASKARAN, AGED 31 YEARS,
VEERANCHIRA, SREESTHA P.O, KANNUR DISTRICT.
4. RAJAN.V, S/O.GOVINDAN, AGED 34 YEARS,
VEERANCHIRA, SREESTHA P.O, KANNUR DISTRICT.

BY ADV. SRI.I.V.PRAMOD

RESPONDENT(S)/COMPLAINANT/STATE :

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

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B. KEMAL PASHA, J.

.....
B.A. No.621 2015
.....

Dated this the 19th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.56/2015 of Pariyaram Medical College Police Station registered for the offences punishable under Sections 143, 147, 341, 323, 324 and 308 read with Section 149 IPC.

3. The allegation against the petitioners is that, on 17.01.2015 at 8 p.m. they formed themselves into an unlawful assembly, armed with deadly weapons like knife, wrongfully restrained the *defacto complainant* and his friend and attacked them. It is alleged that they were slapped, beaten with iron pipe and cut with a knife.

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

5. No criminal antecedents have been reported against the petitioners. The learned counsel for the petitioners has pointed out that the *defacto complainant* had contacted the wife of the 1<sup>st</sup> petitioner over the phone and asked her to hand it over to another woman for which she was not willing. There occurred a wordy altercation in respect of it. When the matter was informed to the 1<sup>st</sup> accused, the 1<sup>st</sup> accused attacked the *defacto complainant*. When the *defacto complainant* invited the 1<sup>st</sup> petitioner to the place of occurrence for settling the matter, he went there. Without any provocation, he was attacked by the *defacto complainant* and he sustained injuries. When he was attacked, the others had intervened for his rescue. On hearing the learned counsel for the petitioners and on going through the present stage of investigation, I am of the view that this is a fit case wherein anticipatory bail can be granted

to the petitioners.

6. 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 ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum 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 9 a.m. and 11 a.m. on all Thursdays and Mondays, commencing from 26.02.2015 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)**

aks/19/02

*// True Copy //*

*PA to Judge*