

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. 630 of 2015 ()

CRIME NO. 866/2013 OF PANDALAM POLICE STATION,PATHANAMTHITTA DISTRICT

PETITIONER/ACCUSED NO.1:

**SUDHEESH, AGED 23 YEARS,
S/O. SELVARAJ, MANI VILASAM, PUNNAKKUNNU,
THUMPAMON MURI, MEZHUVELI NORTH,
MEZHUVELI VILLAGE.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENT/STATE:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031. (CRIME NO. 866/2013 OF PANDALAM
POLICE STATION, PATHANAMTHITTA DISTRICT.)**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

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

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B. KEMAL PASHA, J.

.....
B.A. No.630 of 2015
.....

Dated this the 6th day of February, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1<sup>st</sup> accused in Crime No.866/2013 of Pandalam Police Station registered for the offences punishable under Sections 341, 323, 324 and 506 (ii) IPC and Section 27 of the Arms Act.

3. The allegation against the petitioner and the other accused is that on 07.07.2013 at 9.45 p.m. they wrongfully restrained the *defacto complainant* and the petitioner kicked him down and stamped him. He ordered the 2<sup>nd</sup> accused to do away with the *defacto complainant*. The 2<sup>nd</sup> accused took a sword stick from the motor bike and inflicted a cut on the head of the *defacto complainant*. The petitioner has been in custody for the period from 01.01.2015 onwards.

4. Heard learned counsel for the petitioner and the

learned Public Prosecutor.

5. The learned Public Prosecutor has pointed out that the petitioner is involved in six other criminal cases. Most of the cases are relating to the offence under Section 324 IPC. One of the cases is relating to the offence under Section 326 IPC and another one relating to an offence under Section 308 IPC. It seems that the petitioner is a hardened criminal. The learned counsel for the petitioner submits that the petitioner is an engineering student and in all the other cases he is on bail. Considering the fact that he is a student at present and he will have to pursue his studies, I am of the view that, as a last chance, he can be enlarged on bail in this case also, on strict conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his 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 petitioner 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, the petitioner shall not enter Pathanamthitta district for a period of six months from today.*

*(iii) The petitioner shall not tamper with the evidence or influence witnesses.*

*(iv) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.*

*(v) The petitioner 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/06/02

*// True Copy //*

*PA to Judge*