

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. 638 of 2015 ()

CRIME NO. 1259/2014 OF PAYYANUR POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/ACCUSED 2 AND 3:

- 1. NAIJU, S/O. RAMESAN, AGED 21 YEARS,
KOYYODAN HOUSE, CHITTADI,
RAMANATHALI AMSOM, KAKKAMPARA, KANNUR.**
- 2. VIJILESH A.,S/O. BALAKRISHNAN A.,AGED 24 YEARS,
RAMANATHALI AMSOM, KAKKAMPARA,
KANNUR.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENT/COMPLAINANT:

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

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:**

sts

B.KEMAL PASHA, J.

.....
B.A. No.638 of 2015

.....
Dated this the 6th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 and A2 respectively in Crime No.1259/2014 of the Payyanur Police Station, Kannur registered for the offences punishable under Sections 143, 147, 148, 341, 427, 323, 324 and 308 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that on 03.10.2014 at 3.00 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and obstructed the vehicle by which the sympathizers of RSS were travelling and pelted stones on the glass thereby causing injuries to the passengers and

also beat one of the passengers with a beer bottle. The 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.

5. Investigation of this case is over and final report has already been filed. Continued detention of the petitioners in custody is not required for any purpose at all as far as this case is concerned. Having regard to the period undergone by the petitioners in custody, I am 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 Fridays and Tuesdays commencing from 13.02.2015 for a period of six months.

(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

ul/-

[True copy]

P.S. to Judge