

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Bail Appl..No. 647 of 2015 ()

CRIME NO. 1014/2014 OF AYROOR POLICE STATION.

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PETITIONERS/ACCUSED:

- 1. NIYAS, S/O.SHAMSUDHEEN,
AGED 26 YEARS, KUZHIVILA VEEDU,
S.V. PURAM P.O., NADAYARA, VARKALA,
THIRUVANANTHAPURAM.**
- 2. NIHAS, S/O.SHAMSUDHEEN,
AGED 26 YEARS, KUZHIVILA VEEDU, S.V. PURAM P.O.,
NADAYARA, VARKALA, THIRUVANANTHAPURAM.**

**BY ADVS.SMT.KEERTHI SOLOMON,
SRI.JOLLY ABRAHAM.**

RESPONDENT/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN - 31.**
- 2. SUB INSPECTOR OF POLICE,
S.H.O., AYROOR, THIRUVANANTHAPURAM DISTRICT.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-03-2015, ALONG WITH BA. NO. 7953 OF 2014, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A. Nos. 7953 of 2014 & 647 of 2015

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Dated this the 24th day of March, 2015

ORDER

Petitions under Section 438 Cr.P.C.

2. Petitioner in B.A. No.7953/2014 is A6 and the petitioners in B.A.No.647/2015 are A3 and A4 in Crime No.1014/2014 of Ayroor Police Station, Thiruvananthapuram District, registered for the offences punishable under Sections 143, 147, 148, 149, 323, 324, 294(b), 326, 427 and 308 read with Section 149 IPC and Section 27 of the Arms Act.

3. The allegation against the petitioners and the other accused is that on 21.10.2014 at 11 p.m., they came by motor bikes in front of a bakery named Apsara Bakery at Edava and the 1st accused abused the de facto complainant loudly in filthy language and inflicted a cut on the head of the de facto complainant with a sword. The 2nd accused beat the de facto complainant with an iron rod and stamped him. The other accused attacked the younger

brother of the de facto complainant and his father. They smashed and destroyed the bakery items kept in the bakery, thereby causing a wrongful loss of ₹1,40,000/- to the de facto complainant.

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

5. It seems that the main overt acts are alleged against A1 and A2. The allegations against the petitioners are that they have destroyed and damaged the articles in the bakery and the food items. No criminal antecedents have been reported against the petitioners. Considering the facts and circumstances of the case, I am of the view that by making a provision for compensating the loss sustained by the de facto complainant, anticipatory bail can be granted to the petitioners on conditions.

6. In the result, these bail applications are 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) Each of the petitioners shall deposit an amount of ₹20,000/- before the court below within '10' days from today. The said amount shall be kept in deposit, till the disposal of the case, for compensating the loss, if any, sustained to the de facto complainant.

(ii) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays, commencing from 31.3.2015 for a period of six months.

(iii) Except for observing the condition No.(ii) above, the petitioners shall not enter the local limits of Ayroor Police Station for a period of six months.

(iv) The petitioners shall not tamper with the evidence or influence witnesses.

(v) The petitioners shall make themselves

available for interrogation as and when required by the investigating officer.

(vi) 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

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P.A to Judge