

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

Bail Appl..No. 651 of 2015 ()

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CRIME NO. 2259/2014 OF ADOOR POLICE STATION.**

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PETITIONERS/ACCUSED NOS. 3:

**VISHNU VIJAYAN @ KICHU, AGED 21 YEARS,
S/O. VIJAYAN PILLAI, MURTHIRAVILA PUTHEN VEEDU,
EZHAMKULAM VILLAGE, ADOOR TALUK.**

BY ADV. SRI.M.T.SURESHKUMAR.

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.651 of 2015
.....

Dated this the 5th day of February, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 3<sup>rd</sup> accused in Crime No.2259/2014 of the Adoor Police Station registered for the offences punishable under Sections 143, 147, 148, 323, 324, 326, 427 and 308 read with Section 149 IPC.

3. The allegation against the petitioner and the other accused is that on 10.11.2014 at 9.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and attacked the defacto complainant, who is an autorickshaw driver, and inflicted very serious injuries including grievous hurt. The petitioner has been in custody for the period from 14.12.2014 onwards.

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

5. The learned Public Prosecutor has pointed out that he is involved in three other criminal cases also and it was on that ground, the earlier bail application filed by him as B.A.No.318/2015 was dismissed by this Court. The investigation of this case is practically over. The continued detention of the petitioner in custody is not required for the continued investigation of this case. Even though he has got three other criminal antecedents on his part, having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am of the view that he can be enlarged on bail in this case also, as last chance, on conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹25,000/- (Rupees twenty five thousand 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 Thursdays and Mondays commencing from 12.02.2015 for a period of six months.*

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

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

*(iv) 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/05/02

*// True Copy //*

*PA to Judge*