

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Bail Appl..No. 674 of 2015

CRIME NO. 1271/2014 OF PETTAH POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED NO.14 :

**RAJESH.B, AGED 28 YEARS,
S/O.BABU, THOTTUVARAMBIL VEEDU, TC 13/1032,
KANNAMMOOLA, KALOOR, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM - 695 011.**

**BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.Y.VINOD KUMAR**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
(REPRESENTED BY THE SUB INSPECTOR OF POLICE,
PETTAH POLICE STATION - CR.NO.1271/2014 OF PETTAH POLICE STATION)
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

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B.A.No.674 of 2015

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Dated this the 13th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 14th accused in Crime No.1271 of 2014 of the Pettah Police Station registered for the offences punishable under Sections 120B, 143, 147, 148, 294(b), 308, 323, 324 and 341 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 13.11.2014 at about 08.00 p.m., they formed themselves into an unlawful assembly and attacked the defacto complainant and his friends Vineeth and Baiju. It seems that A1 to A4 had made use of deadly weapons to attack the defacto complainant and his aforesaid friends. Injuries including grievous hurt have been caused to the defacto complainant and his friends. The allegation against the present petitioner is that he had also attacked the defacto complainant and his friends and he beat them and slapped them, pursuant to a conspiracy hatched among all the

accused.

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

5. Considering the facts and circumstance of the case, and the present stage of the investigation, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. It seems that all the main overt acts are alleged against A1 to A4. There is no allegation that the petitioner has made use of any weapons. According to the learned counsel for the petitioner, he had reached the spot on hearing the hue and cry, when A1 to A4 had attacked the defacto complainant and others. Considering all the above, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the

satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) Petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Fridays and Tuesdays commencing from 20.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioner shall not tamper with the evidence or influence witnesses.

(iii) Petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) 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**

