

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

Bail Appl..No. 689 of 2015 ()

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CRIME NO. 1819/2014 OF THALASSERY POLICE STATION.**

.....

PETITIONER/ACCUSED NO.1:

**RISHAB, S/O. RAMAKRISHNAN,
AGED 25 YEARS, KRISHNA,
MOONUPERIYA, KANNUR.**

BY ADV. SRI.CIBI THOMAS.

RESPONDENTS/COMPLAINANT/STATE:

- 1. THE SUB INSPECTOR OF POLICE,
THALASSERY POLICE STATION, PIN -670 101.**
- 2. STATE OF KERALA,
REP. BY 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 19-02-2015, ALONG WITH BA NO.700 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

B.KEMAL PASHA, J.

.....
B.A. Nos.689 & 700 of 2015

.....
Dated this the 19th day of February, 2015

ORDER

Petitions filed under Section 439 Cr.P.C.

2. In B.A.No.689/15 petitioner is the 1st accused and in B.A.No.700/2015 petitioners are A2 to A4 in Crime No.1819/2014 of the Thalassery Police Station registered for the offences punishable under Sections 341, 323 and 308 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that on 23.12.2014 at 00.15 hours while the defacto complainant was sleeping on the sea bridge at Thalassery, the petitioners caught hold of him, dragged him and pushed him down into

the sea with a view to causing his death by making him to drown. Some of the neighbours who had happened to see the incident, rescued the defacto complainant. The petitioners have been in custody for the period from 23.12.2014 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor has opposed the petition. Perused the CD.

5. No criminal antecedents have been reported against the petitioners. The investigation of this case is over and final report has been filed. Continued detention of the petitioners in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioners in custody, the present stage of investigation and the absence of any criminal antecedents on their part, this court is of the view that the petitioners can be enlarged on bail.

6. In the result, these Bail Applications are 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) Except for observing condition No.(ii) below, the petitioner shall not enter the local limits of the Thalassery Police Station for a period of six months from today.

(ii) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 26.02.2015 for a period of six months.

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

(iv) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(v) The petitioners shall not involve in any offence while on bail.

B.A.Nos.689 & 700 of 2015

-: 4 :-

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge