

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

Bail Appl..No. 756 of 2015

CRIME NO. 394/2014 OF KOLAVALLUR POLICE STATION , KANNUR DISTRICT

APPELLANT/1ST ACCUSED :

**KANAKAN.T, AGED 35 YEARS,
S/O.CHANDU NAIR, THAYYULLATHIL HOUSE,
THRIPPANGOTTUR AMSOM, POILOOR DESOM, THOOVAKUNNU.**

**BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADVS. SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN**

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.756 OF 2015

.....
Dated this the 13th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.394 of 2014 of Kolavallur Police Station, Kannur registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 307 and 506(ii) read with Section 149 IPC.

3. The allegation against the petitioner and the other accused is that on 16.05.2014 at 7.15 pm, they formed themselves into an unlawful assembly armed with deadly weapons like swords and wooden sticks, wrongfully restrained the defacto complainant and his friend on the

road and attacked them and caused very serious injuries by cutting with swords and by beating with wooden sticks thereby, attempting to commit the murder of the defacto complainant. The petitioner has surrendered before the court below on 28.10.2014 and thereafter, they have been in custody.

4. Heard the learned Senior Counsel for the petitioner and the learned Public Prosecutor, and perused the CD. The learned Public Prosecutor has strongly opposed this petition.

5. The contents of the C.D., reveal that the investigation of the case is practically over. It seems that the petitioner is a habitual offender and a hard core criminal. At the same time, having regard to the period undergone by petitioner in custody and the facts and circumstances narrated by the learned Senior Counsel, I am of the view that the petitioner can be enlarged on bail in this case also, as a last chance, on strict conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh 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 Fridays and Tuesdays commencing from 20.02.2015 for a period of six months.

(ii) Until further orders, the petitioner shall not enter Kannur District, except for observing condition No.(i) above and for appearing before courts alone, till the disposal of this case.

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

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

(v) 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

ul/-

[True copy]

P.S. to Judge