

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Bail Appl.No. 780 of 2015

CRIME NO. 71/2015 OF COYALMANNAM POLICE STATION, PALAKKAD
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APPLICANTS/ACCUSED NO.1 TO 9:

1. PRAMOD, AGED 30 YEARS,
S/O VASU, KUNNUPARAMBU, COYALMANNAM,
PALAKKAD.
2. MAHESH, AGED 19 YEARS,
S/O KELAN, KUNNUPARAMBU, COYALMANNAM,
PALAKKAD.
3. JISHNU, AGED 19 YEARS,
S/O KUNJU, NELLIYANKADU, COYALMANNAM, PALAKKAD.
4. ANEESH, AGED 27 YEARS,
S/O KUNJU, NELLIYANKADU,
COYALMANNAM, PALAKKAD.
5. RAMESH, AGED 40 YEARS,
S/O RAMAKRISHNAN, THAZHATHEPURA, COYALMANNAM,
PALAKKAD.
6. BIJU, AGED 28 YEARS,
S/O MOHANAN, KUNNUPURAM, COYALMANNAM,
PALAKKAD .
7. SHIJU, AGED 28 YEARS,
S/O MOHANAN, MADYANPARAMBU, COYALMANNAM,
PALAKKAD.
8. MUKESH, AGED 19 YEARS,
S/O MANIKANDAN, MADHYANPARAMBU, COYALMANNAM,
PALAKKAD.
9. KUNJU, AGED 50 YEARS,
S/O CHAMI, NELLIYANKAD, COYALMANNAM,
PALAKKAD.

BY SRI.P.VIJAYA BHANU, SENIOR ADVOCATE
ADV. SRI.VIPIN NARAYAN

msv/

Bail Appl.No. 780 of 2015

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA,
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
20-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

B.KEMAL PASHA, J.

B.A.No.780 of 2015 B

Dated this the 20th day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 4, 7, 5, 6, 8 and 9 respectively in Crime No.71/2015 of Coyalmannam Police Station, Palakkad district registered for the offences punishable under Sections 143, 147, 148, 341, 323, 506(ii), 307 and 427 read with Section 149 of the I.P. C.

3. The allegation against the petitioners and the other accused is that, on 19.1.2015 at 7 a.m., they formed themselves into an unlawful assembly armed with deadly weapons like stones and iron rods, and restrained the de-facto complainant, who was riding on a motor bike. It is alleged that the first accused pulled

him down from the motor bike and the second accused beat on his head with an iron rod and the other accused beat and fisted him and damaged his motor bike, thereby causing a wrongful loss of Rs.12,000/- to him.

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

5. It has come out that a counter case has been registered in the respect of the very same incident as crime No.72/2015 of Coyalmannam police station. On a perusal of the wound certificate, which finds a place among the records of the C.D., it seems that the de-facto complainant has sustained a small injury on his scalp and his version to the doctor was that he was hit on his head with a granite stone. At that time, he had no case that he was beaten with the iron rod. On going through the contents of the C.D., I do not find necessary ingredients to invite an offence under Section 307 of the I.P.C. in the matter. Considering the facts and circumstances

of this case, I am of the view that the custodial interrogation of the petitioners is not required for the continued investigation of this case. Matters being so, this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. In the result, this bail application is 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 Rs.50,000/- (Rupees fifty 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) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays, commencing from 27.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) 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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PA to Judge