

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Bail Appl..No. 827 of 2015 ()

**CRIME NO. 1276/2014 OF BALARAMAPURAM POLICE STATION,
THIRUVANANDAPURAM**

PETITIONERS/ACCUSED (A4 & A6):

- 1. PRADEEP @ BALU, AGED 29 YEARS,
S/O.VISWAMBHARAN, CHARUVILA PUTHEN VEEDU,
KAAVINPURAM, KOTTUKAL VILLAGE.**
- 2. SAJITHKUMAR & SANKARAN, AGED 27 YEARS,
S/O.SUNDHAKARAN, LAKSHMI VILASAM VEEDU,
IDAMAKUZHI, KOTTUKAL VILLAGE.**

BY ADV. SRI.R.T.PRADEEP

RESPONDENT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

.....
B.A. No.827 of 2015

.....
Dated this the 18th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A4 and A6 in Crime No.1276/2014 of the Balaramapuram Police Station registered for the offences punishable under Sections 143, 147, 148, 149, 450, 294(b), 427, 354, 326 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioners and the other accused is that on 15.12.2014 at 7 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like swords, iron rods etc. and trespassed into the shop of one Prem Kumar and the first accused inflicted cuts aimed at his head. Thereafter, he handed over the same to

the first petitioner and obtained the iron rod from the hands of the first petitioner and beat Prem Kumar on his head with the iron rod. Then the first petitioner inflicted a cut on the head of the said Prem Kumar with the sword and the 5th accused beat him with iron rods whereby causing fracture of the bones of his left finger. The 2nd accused also beat him with an iron rod which was warded off by him with the left hand thereby he sustained a fracture on his left wrist. A3, A5 and A7 also beat him with iron rods. The 2nd petitioner slapped him. The petitioners have been in custody for the period from 04.01.2015 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor. Perused the CD.

5. No criminal antecedents have been reported against the petitioners. The contents of the CD reveal that the investigation of this case, as against the petitioners are concerned, is practically over. 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 the view that the petitioners can be enlarged on bail.

6. In the result, this Bail Application is 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) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 25.02.2015 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

ul/-

[True copy]

P.S. to Judge