

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Bail Appl..No.866 of 2015

(CRIME NO.36/2015 OF MATHILAKOM POLICE STATION,TRISSUR).

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APPLICANTS/ACCUSED:

1. NAVEEN BASHA,AGED 24 YEARS,
S/O.PUSHPANGADAN,THAIKKATT HOUSE,
CHACHAMARAM,KODUNGALLUR TALUK,THRISSUR.
2. SUJITH,AGED 30 YEARS,S/O.RAVI,PALLATH HOUSE,
CHACHAMARAM,KODUNGALLUR TALUK,THRISSUR.
3. REJI @ PRAJIN,AGED 25 YEARS,S/O.PRAKASAN,
KIZHAKKEVEETIL HOUSE,CHACHAMARAM,
KODUNGALLUR TALUK,THRISSUR.
4. PRAVEEN @ PRANAV,AGED 23 YEARS,S/O.DASAN,
ELAYAN PURAKKAL HOUSE,CHACHAMARAM,
KODUNGALLUR TALUK,THRISSUR.
5. VIBI @ BIBIN,AGED 27 YEARS,S/O.BALAN,
KANAKKASSERY HOUSE,CHACHAMARAM,
KODUNGALLUR TALUK,THRISSUR.
6. SANOJ,AGED 25 YEARS,S/O.VELAYUDHAN,
KATHAVALAPPIL HOUSE,CHACHAMARAM,
KODUNGALLUR TALUK,THRISSUR.
7. SUMESH,AGED 23 YEARS,S/O.GANESAN @ ANIRUDHNA,
KOZHISSERY HOUSE,CHACHAMARAM,
KODUNGALLUR TALUK,THRISSUR.

**BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE.)
ADVS.SRI.VIPIN NARAYAN
SRI.V.C.SARATH**

RESPONDENTS/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

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

B.KEMAL PASHA, J.

B.A. No.866 of 2015 C

Dated this the 3rd day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.36/2015 of Mathilakam Police Station, Thrissur district registered for the offences punishable under Sections 143, 147, 148, 324 and 308 read with Section 149 of the I.P. C.

3. The allegation against the petitioners is that on 2.1.2015 at 8.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and committed rioting and rioting armed with deadly weapons. It is alleged that they wrongfully

restrained the de-facto complainant and beat on his head and caused a small injury. It is alleged that he was beaten up on his back and body.

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

5. On going through the C.D. and the wound certificate, which finds a place among the records of the CD., there are no sufficient materials to bring out any offence under Section 308 of the I.P.C., in the matter. No criminal antecedents have been reported against the petitioners. The investigation of this case is practically over. I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, I am of the view that 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 ₹25,000/- (Rupees twenty five 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 Tuesdays and Fridays, commencing from 10.03.2015 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