

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Bail Appl..No. 874 of 2015 ()

CRIME NO. 1224/2014 OF VATAKARA POLICE STATION,KOZHIKODE DISTRICT

PETITIONER(S)/ACCUSED NOS 1 TO 5:

1. SREEJITH, AGED 28 YEARS,S/O. KANARAN,
THONDIKOVUKKAL CHEMMARATHUR, VATAKARA,
KOZHIKODE DISTRICT.
2. NIDESH, AGED 29 YEARS,S/O. NANU,
THAYYULLATHIL HOUSE, CHEMMARATHUR,
VATAKARA, KOZHIKODE DISTRICT.
3. JOSHWA T.K., AGED 27 YEARS,S/O RAMAKRISHNAN,
KOYILOTHKANDY HOUSE, CHEMMARATHUR,
VATAKARA, KOZHIKODE DISTRICT.
4. AJITH T.K, AGED 30 YEARS,S/O. KRISHNAN,
THADATHIL HOUSE, CHEMMARATHUR,
VATAKARA, KOZHIKODE DISTRICT.
5. RAJEESH T.M, AGED 30 YEARS,S/O. RAJAN,
THAZHEMULLAMKOOL HOUSE, CHEMMARATHUR,
VATAKARA, KOZHIKODE DISTRICT.

**BY ADVS.SRI.P.N.SUKUMARAN
SRI.K.A.ANAS**

RESPONDENT(S):

1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SUB INSPECTOR OF POLICE,
VATAKARA POLICE STATION.

BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No. 874 of 2015

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Dated this the 24th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.1224/2014 of the Vatakara Police Station, Kozhikode District, presently pending investigation, for the offences under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 IPC.

3. The allegation against the petitioners is that on 30.12.2014 at 7.15 a.m., they formed themselves into an unlawful assembly armed with deadly weapons like wooden reaper and stones, committed rioting and rioting armed with deadly weapons. It is alleged that they wrongfully restrained the de facto complainant on the road and the 1st accused beat him on his left elbow with a wooden reaper, and the 2nd accused beat him on his head with a granite stone, thereby causing an injury on his forehead and the other accused slapped him.

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

5. No criminal antecedents have been reported against the petitioners. The investigation of the case is practically over. Considering the facts and circumstances of this case, 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 31.3.2015 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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P.A to Judge